

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 10th September 1946.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*** 40 Q and * 41 Q were taken up after * 42 Q**

Admissions into Medical Colleges.

*** 42 Q.—SRI R. SURYANARAYANA RAO:** Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) whether any rules have been framed by Government regulating admissions into Medical Colleges;

(b) if so, what they are;

(c) whether there have been complaints that the arbitrary fixation of percentages and the application of communal representation have proved detrimental to the interests of certain sections of the community; and

(d) whether the question of revising these rules is under the consideration of the Government?

THE HON. MRS. LAKSHMIPATHI:—“(a) The answer is in the affirmative.

“(b) A copy^b of the rules is laid on the table of the Council.

“(c) The percentages have not been fixed and the communal representation has not been made on an arbitrary basis. Some representations have been received. Some community or other is always bound to feel aggrieved.

“(d) The rules have been issued provisionally for this year, and the whole question is being examined.”

SRI R. SURYANARAYANA RAO:—“May I ask the Hon. Minister for Public Health how these percentages have been arrived at for different groups mentioned in rule 3-A of the rules for selection?”

THE HON. MRS. LAKSHMIPATHI:—“Will the hon. Member kindly repeat his question?”

(The question was repeated.)

THE HON. MRS. LAKSHMIPATHI:—“No percentages have been fixed.”

SRI R. SURYANARAYANA RAO:—“Certain percentages have been fixed. The percentage for group 1 is fixed at 50·8, the percentage for group 2 at 38·1 and the percentage for group 3 as 11·1. How have these percentages been arrived at?”

THE HON. MRS. LAKSHMIPATHI:—“I am not aware as to how these percentages were arrived at.”

^a Vide pages 313—315 infra.

^b Printed as Appendix I on pages 351—354 infra.

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K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Is it not a fact that these percentages have been fixed on the basis of the population of the respective groups and also of the number of medical men at present existing in these groups? ”

THE HON. MRS. LAKSHMIPATHI :—“ I do not understand what the hon. Member means when he asks whether the percentages have been arrived at on the basis the number of medical men existing.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ On the basis of the number of medical men in the groups means this. For example, I am told that the number of admissions from Malabar is lower than what the district is entitled to on a population basis, because it is said there is a large number of medical men there.”

THE HON. MRS. LAKSHMIPATHI :—“ These percentages seem to have been fixed on a population basis, for instance, 50·8 per cent of the seats have been allotted to the Tamil districts, 38·1 per cent to the Telugu districts. I think 11·1 per cent of the seats have been allotted to Malabar and South Kanara on the population basis.”

DR. SYED TAJUDDIN SAHIB BAHADUR :—“ May I ask what consideration or considerations led the Government to do away with the selection committees for these various medical colleges? ”

THE HON. MRS. LAKSHMIPATHI :—“ I would request the hon. Member to put this question more audibly.”

DR. SYED TAJUDDIN SAHIB BAHADUR :—“ May I ask the Hon. Minister for Public Health what she means by ‘ orderly ’? ”

MR. PRESIDENT :—“ She means ‘ audibly ’ and not ‘ orderly ’.”

DR. SYED TAJUDDIN SAHIB BAHADUR :—“ I asked, Sir, what considerations led the Government to do away with the selection committees especially for the medical colleges.”

THE HON. MRS. LAKSHMIPATHI :—“ The Government thought that this work could be more efficiently done by the principals of the three medical colleges.”

DR. SYED TAJUDDIN SAHIB BAHADUR :—“ Will not a committee do the thing more efficiently, because there will be more heads than three? ”

THE HON. MRS. LAKSHMIPATHI :—“ The Government did not consider that the committee would have done its work better than the principals of the three colleges.”

MR. PRESIDENT :—“ I think this may form the subject of a separate question.”

SRI R. SURYANARAYANA RAO :—“ May I ask the Hon. Minister whether she will be pleased to consider any representations made before these rules are finally altered as she has promised in reply to clause (d)? ”

THE HON. MRS. LAKSHMIPATHI :—“ Yes, the hon. Member's suggestion will be considered.”

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SRI N. RANGA REDDI :—“ May I ask the Hon. Minister whether any representations have been received from Rayalaseema that seats should be reserved on population basis to students from Rayalaseema? ”

THE HON. MRS. LAKSHMIPATHI :—“ So far as I am aware only verbal representations have been received. Written representations have been received from the Malabar district Muslim League Committee, and the Vannikula Kshatriya Sangam.”

SRI N. RANGA REDDI :—“ Will the Hon. Minister be pleased to state whether any representations have been received from members of the Madras Legislature that certain seats should be reserved in the medical colleges for students from Rayalaseema? ”

THE HON. MRS. LAKSHMIPATHI :—“ I have already stated that some members of the Madras Legislative Assembly did make representations, but I am not aware that written representations have been made.”

SRI N. RANGA REDDI :—“ Is the Hon. Minister aware that the percentage basis rules based only on linguistic basis adversely affects the interests of students coming from Rayalaseema, in view of the restricted facilities for medical education? ”

THE HON. MRS. LAKSHMIPATHI :—“ My information, Sir, is that the interests of students coming from Rayalaseema have not been adversely affected.”

SRI N. RANGA REDDI :—“ How many students from Rayalaseema have been admitted into medical colleges this year? ”

MR. PRESIDENT :—“ A separate question may be put.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ Is it not a fact that a medical college has been opened in Guntur intended for students in the Andhra area? ”

THE HON. MRS. LAKSHMIPATHI :—“ It is true that a medical college has been opened at Guntur this year, but I am unable to say whether that medical college is intended mainly for Andhra students.”

SRI N. RANGA REDDI :—“ May I ask why a departure has been made this year and 20 per cent of the students have been selected on merit? ”

THE HON. MRS. LAKSHMIPATHI :—“ It is based on the recommendations made by the Bhore Committee. They suggested that one-third of the total number of seats should be filled on the basis of merit but a compromise was arrived at and it was thought that it would be better if 20 per cent of the total number of seats were filled on the basis of merit.”

SRI N. RANGA REDDI :—“ Will the Hon. Minister be pleased to state whether the Bhore Committee recommended that a medical college should be located in Bellary or Anantapur and that preference should be given to students coming from the Coled

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districts in the matter of admission to this college until the college is started? ”

THE HON. MRS. LAKSHMIPATHI :—“ I do not think a question of preference comes in in the selection of students for these medical colleges. In fact the Guntur Medical College is almost on the border of the Ceded districts and the question of giving preference to the students of the Ceded districts does not arise at all.”

SRI N. RANGA REDDI :—“ Is the Hon. Minister aware that though a medical college has been started in Guntur no preference has been shown to students coming from Cuddapah district in the matter of admission to this college, not even one student has been admitted? ”

THE HON. MRS. LAKSHMIPATHI :—“ I do not think selection was made according to the districts but according to the percentages mentioned in the rules for the selection of candidates.”

SRI N. RANGA REDDI :—“ So far as doctors are concerned, Sir, is it not preferable to give districtwar representation rather than representation of whole areas like Tamil districts, Andhra districts and the West Coast? ”

THE HON. MRS. LAKSHMIPATHI :—“ I do not think so, Sir.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ May I ask, Sir, if all the recommendations of the Bhore Committee have been given effect to by the Provincial Government and if not what is the urgency for giving effect to this particular recommendation regarding admission by merit alone this year? ”

THE HON. MRS. LAKSHMIPATHI :—“ In reply to the very same supplementary question put in the other House I stated that the question of the efficiency of the services was taken into account and therefore we had to order selection on the basis of merit for a limited percentage of students.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Does the Hon. Minister think that the efficiency of the services had been affected before this principle of selection by merit was given effect to? Has it been found that those who studied in those colleges have become inefficient before giving effect to this rule are inefficient? Have those students who have come out of the colleges before giving effect to the rule of 20 per cent admission by merit been proved to be inefficient or incapable of discharging their duties? ”

THE HON. MRS. LAKSHMIPATHI :—“ I am unable to answer this question, Sir.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ My question arises out of the answer given by the Hon. Minister that

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considerations of efficiency were responsible for giving effect to this principle this year without caring for the other recommendations of the Bhore Committee? "

MR. PRESIDENT :—" The Hon. Minister says that she cannot answer the question."

SRI N. RANGA REDDI :—" Does the Hon. Minister believe that admission by merit to the extent of 20 per cent should apply only to the medical college and not to other colleges, such as the Engineering and the Veterinary Colleges? "

THE HON. MRS. LAKSHMIPATHI :—" This 20 per cent rule has been applied to the Engineering College as well."

SRI N. RANGA REDDI :—" To the Agricultural and Veterinary Colleges? "

THE HON. MRS. LAKSHMIPATHI :—" I am not quite sure."

DR. V. K. JOHN :—" Realizing the responsibility of Government for providing education for all, will the Government at least next year make every effort to provide the necessary accommodation in the colleges to see that every applicant is admitted? "

THE HON. MRS. LAKSHMIPATHI :—" It may not be possible unless we have one thousand of colleges for all the thousands of applicants that have been forthcoming."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Is it not possible to give representation to all communities in such a manner as to give reasonable satisfaction to all the communities? "

THE HON. MRS. LAKSHMIPATHI :—" For 80 per cent of the seats communal representation will be applied. Therefore all the communities will have representation."

Employment to members of Indian National Army.

* 40 Q.—SRI MOTHAY NARAYANA RAO : Will the Hon. the Prime Minister be pleased to state—

(a) whether it is the definite policy of the Government to provide employment to the members of the Indian National Army who have returned to their respective places in this Presidency; and

(b) if so, whether any circulars have been sent to all Government departments to give them preference in making appointments?

THE HON. SRI T. PRAKASAM :—" (a) The matter is under the consideration of Government.

" (b) Does not arise."

SRI T. PURUSHOTHAM :—" On a point of information, Sir. May I ask what became of the representation on behalf of this House to have microphones and loudspeakers installed in this House? "

MR. PRESIDENT :—" That question has been considered and experts are of the opinion that this Hall is not suitable for the installation of loudspeakers. That is why no arrangements have

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been made. I am sorry I have to advise hon. Members to make themselves as convenient as possible."

SRI T. PURUSHOTHAM :—" We do not hear what goes on between the Leader of the House and the Leader of the Opposition and some arrangement must be made to improve the position."

MR. PRESIDENT :—" We shall consider that question. The experts think that we cannot have any loudspeakers here as they will make it inaudible on account of ' booming.' That is why we have not fixed loudspeakers here."

Persons employed in Gazetted and non-Gazetted services.

* 41 Q.—SRI O. P. RAMASWAMI REDDIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) the number of persons employed in Gazetted services in 1938-39 and 1945-46;

(b) the extent of money spent on them;

(c) the number of persons employed in non-Gazetted services in 1938-39 and 1945-46;

(d) the extent of money spent on them; and

(e) the extra money spent in both the services in 1945-46 and extra men employed?

THE HON. SRI T. PRAKASAM :—" Figures for 1945-46 are under preparation and they will be ready only in October 1946. So figures for 1944-45 are furnished instead under each question below.

" (a) The number of persons employed in Gazetted services in 1938-39 and in 1944-45 is as follows :—

	1938-39.	1944-45.
I. Indian Civil Services	140	125
II. All-India Services excluding the Indian Civil Service.	238	172
III. Provincial Services	1,419	2,199
Total ..	<u>1,797</u>	<u>2,496</u>

" (b) The money spent on Gazetted services (on salaries) in 1938-39 and in 1944-45 is given below :—

	1938-39.	1944-45.
	RS.	RS.
	LAKHS.	LAKHS.
I. Indian Civil Service	30.16	29.49
II. All-India Services excluding the Indian Civil Service.	35.24	26.39
III. Provincial Services	98.39	107.25
Total ..	<u>163.79</u>	<u>163.13</u>

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“(c) The number of persons employed in non-gazetted services in 1938-39 and in 1944-45 is as follows:—

	1938-39.	1944-45.
I. Subordinate, ministerial and inferior services excluding village establishments.	92,108	144,663
II. Village establishments	108,237	107,776
Total ..	200,345	252,439

“(d) The money spent on non-gazetted services (on salaries) in 1938-39 and in 1944-45 is as follows:—

	1938-39.	1944-45.
	RS.	RS.
	LAKHS.	LAKHS.
I. Subordinate, ministerial and inferior services excluding village establishments.	422.55	565.19
II. Village establishments	115.33	123.24
Total ..	537.88	688.43

“(e) The extra money spent on both the services in 1944-45 was Rs. 149.89 lakhs, the extra men employed being 52,793.”

(The Hon. the Premier reads out the answer to the question.)

MR. PRESIDENT:—“If the Hon. Prime Minister has no objection, he can ask some other Hon. Minister to read out the answers.”

THE HON. SRI T. PRAKASAM:—“No, Sir. I shall read it myself.”

SRI K. VENKATASWAMI NAYUDU:—“Will Mr. President kindly have the answer circulated to the Members as it contains very valuable information?”

MR. PRESIDENT:—“The answer will be printed in the proceedings.”

Supply of articles of diet to the various hospitals in the Province of Madras.

* 43 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) what arrangements exist at present for the supply of articles of diet to the various hospitals in the Province;

(b) whether the question of utilizing co-operative institutions for the purpose has ever been considered; and

(c) what agency exists in each hospital to ensure that the articles supplied are of the required standard quality?

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THE HON. MRS. LAKSHMIPATHY :—“(a) The supply of diet articles to Government hospitals is ordinarily obtained through contractors fixed up as a result of tenders and auction held annually.

“(b) The answer is in the affirmative.

“(c) The quality of supplies made is being tested daily by a medical officer and by senior medical officers who make surprise inspections as frequently as possible. Samples of articles like milk, bread, ghee, oil, butter, etc., are taken from the supplies made by contractors, wherever the heads of institutions feel doubtful about the quality, and are sent to the Government Analyst for test. Penal provisions of the contract agreement are enforced when the quality of articles so tested is found to be below par.”

MR. K. O. ANTHONI :—“Will the Hon. Minister for Public Health be pleased to state whether there is any machinery to see that the articles supplied for the patients really go to them?”

THE HON. MRS. LAKSHMIPATHY :—“Only strict supervision on the part of the medical officers could see to this.”

Workers in the Civil Section of the Hydro-Electric Department, Mettur.

*44 Q.—SRI P. R. K. SARMA : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) how many workers, men and women, are employed in the Civil section of the Hydro-Electric department at Mettur for repairs and maintenance of buildings;

(b) what their wages and service conditions are;

(c) whether the women workers are being paid only three annas per day;

(d) whether for a day's absence half the amount of Dearness Allowance for the month is denied;

(e) whether the women workers are refused maternity benefit;

(f) whether the Government have received any representations for redress of the grievances of the said workers of the Civil section at Mettur; and

(g) whether any action has been taken or is proposed to be taken?

THE HON. SRI V. V. GIRI :—“(a) Approximately 18 male workers, 12 women workers and 3 boy workers are employed for repairs and maintenance of buildings.

“(b) The wages of these workers are—

(1) Male worker—Re. 1 to Re. 1-4-0 per day, including dearness allowance.

(2) Female worker—12 annas to 14 annas per day, including dearness allowance.

(3) Boy worker—12 annas to 14 annas per day, including dearness allowance.

“As regards their service conditions, since they are employed casually and on works which are essentially of a seasonal

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nature they are not eligible for any privileges as in the case of the monthly paid work-charged staff or provincial staff.

“(c) No.

“(d) No.

“(e) The rules as they stand at present do not permit the grant of any maternity benefit to this class of labour.

“(f) & (g) ‘Yes.’ The matter is under consideration.”

SRI P. R. K. SARMA :—“ May I ask what is the actual daily rate of wages paid to these workers exclusive of dearness allowance? ”

THE HON. SRI V. V. GIRI :—“ I would like to have notice, Sir. But apart from that, I can assure my hon. Friend that I had a general discussion on the matter of the service conditions of this class of employees. I have also asked the Chief Engineer for Electricity to have a discussion with Mr. Sarma, the President of their Union.”

SRI P. R. K. SARMA :—“ I have enquired of the Minister whether the women workers are paid only 3 annas a day, but I have not had a definite reply.”

THE HON. SRI V. V. GIRI :—“ What is now paid is 13 annas which includes wages and dearness allowance. When I went to Mettur I was staggered when I heard that they were paid 3 annas as wages. When I came back I was very angry with my department and they said they were paying 13 annas. Call it what you will, 3 annas wages and 10 annas dearness allowance or 6 annas wages and 7 annas dearness allowance. As I have stated I am going into this matter also.”

SRI P. R. K. SARMA :—“ Is the Hon. Minister aware that since his visit to Mettur the Superintending Engineer has fixed an all inclusive daily rate which is 1 anna less than what had been paid to the workers previously? ”

THE HON. SRI V. V. GIRI :—“ I may assure the hon. Member that nothing is the last word on the subject of negotiations. I can assure him that I am in touch with this matter also.”

SRI P. R. K. SARMA :—“ May I ask whether the maintenance and repair work is given over to the contractors and the work of the civil department is not really of a casual or seasonal nature? ”

THE HON. SRI V. V. GIRI :—“ Notice, Sir.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the labour employed is temporary or casual? ”

THE HON. SRI V. V. GIRI :—“ Temporary and casual, Sir.”

SRI R. SURYANARAYANA RAO :—“ If in the case of temporary workers, they have been sufficiently long in the service of the Electricity Department, may I know why they should be denied the ordinary amenities, such as absence on casual leave and in the case of women especially, maternity benefits? ”

THE HON. SRI V. V. GIRI :—“ That is one of the matters I am going into.”

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SRI P. R. K. SARMA :—“ Will the Hon. Minister kindly call for details of the services of the employees in the Civil Department and examine whether the nature of their service is actually of a temporary or seasonal character? ”

THE HON. SRI V. V. GIRI :—“ Yes, Sir.”

Application of Indian Factories Act on factories and establishments.

* 45 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether there are certain kinds of establishments which are still outside the scope of the Indian Factories Act as they do not employ more than a specified number of workers ;

(b) whether the enabling provision by which Provincial Governments can bring within the scope of the Act work-places where smaller number of workers are employed has been availed of and if so, to what extent ;

(c) whether the Government contemplate the application of the provisions of the Factories Act to all establishments irrespective of the number of workers employed ;

(d) whether it is a fact that the definition of ‘ factory ’ as it stands excludes several industrial undertakings from the scope of the Act ;

(e) whether the Government have suggested to the Government of India to bring within the purview of the Factories Act all industrial undertakings ; and

(f) whether it is a fact that the working conditions in industrial undertakings noticed by the Labour Investigation Committee are traceable to the fact that some of them are outside the scope of the Factories Act ?

THE HON. SRI V. V. GIRI :—“ (a) Yes.

“ (b) The Provincial Government have declared—

(1) that the provisions of the whole of the Factories Act shall apply to all places wherein ten or more persons have been working and wherein the processes of (i) groundnut decortiating and rice-milling are carried on with the aid of power and (ii) match manufacture, confectionery, paper printing or binding, type casting and engineering or blacksmithy are carried on with or without the aid of power ; and

(2) that the provisions of sections 2 to 4, 9 to 14, 16 to 23, 25, 26, 30 to 32, 34 to 77 and 81 shall apply to all places wherein twenty or more persons have been working and wherein the processes of tanning of skins or hides, cleaning of wool, cashewnut handling and coffee garbling are carried on without the aid of power.

“ (c) The Government have under consideration a proposal to bring in legislation to control the conditions of labour in unregulated non-power factories.

“ (d) ‘ Factory ’ is defined in the Factories Act as meaning

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any premises whereon twenty or more persons are working and in any part of which a manufacturing process is carried on with the aid of power. All other industrial undertakings and those not declared as factories under section 5 of the Act do not come within the purview of the Factories Act.

“(e) This Government have agreed with the proposal of the Government of India to amend the Factories Act so as to bring within its purview undertakings not covered by it at present.

“(f) Yes.”

SRI R. SURYANARAYANA RAO :—“ If the Government of India will take their own time to bring forward an amendment of the Factories Act, may I ask whether this Government will undertake the necessary legislation? ”

THE HON. SRI V. V. GIRI :—“ This Government requested the Care-taker Government to see that the matter was taken up immediately. I have also asked the present Government to take it up immediately. If they do not do it we shall take it up immediately.”

SRI P. R. K. SARMA :—“ Is the Hon. Minister aware that there are a large number of factories which ought to be brought under the Factories Act but have not been brought under the Act? ”

THE HON. SRI V. V. GIRI :—“ I take the information from the hon. Member.”

SRI P. R. K. SARMA :—“ I am referring especially to the laundries in the hospital where power is used and more than 20 persons are employed.”

THE HON. SRI V. V. GIRI :—“ Notice, Sir.”

Appointment of District Panchayat Officers and Assistant Panchayat Officers.

* 46 Q.—**SRI R. SURYANARAYANA RAO** : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether rules regulating the appointment of the District Panchayat Officers and the Assistant Panchayat Officers have been framed;

(b) who is the authority competent to appoint, transfer and punish them;

(c) what the different scales of salary sanctioned are;

(d) whether the District Panchayat Officers and Assistant Panchayat Officers are eligible for appointment as Commissioners of Municipalities and Secretaries of District Boards;

(e) if the answer to (d) is in the affirmative, on whose report their inclusion in the lists is made; and

(f) whether the Government have under consideration a scheme for constituting one service both for Municipalities and District Boards to secure facilities for interchanging these officers?

THE HON. MR. DANIEL THOMAS :—“ (a) Regulations in regard to the service of District Panchayat Officers have been

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framed and executive instructions in regard to recruitment and conditions of service of Assistant Panchayat Officers have been issued.

" (b) The authorities competent to appoint, transfer and punish District Panchayat Officers and Assistant Panchayat Officers are—

	Authority competent to appoint.	Authority competent to transfer.	Authority competent to punish.
District Panchayat Officers—			
(a) Members of the service.	Government ..	Government, ..	Inspector—for censure and withholding of increments. Government for other punishments (dismissal, removal, reduction to a lower stage in time scale, suspension and recovery of pecuniary loss caused to Government or any local body).
(b) Persons appointed on temporary basis.	Inspector ..	Inspector ..	Inspector.
Assistant Panchayat Officers.	President, District Board (from a panel of candidates approved by the Inspector of Municipal Councils and local Boards.)	President, District Board—transfers within the District Inspector—transfer to the service of any other district Board.	President, District Board subject to the approval of the Inspector of Municipal Councils and Local Boards.

" (c) Scales of pay of District Panchayat Officers and Assistant Panchayat Officers are—

District Panchayat Officers ..	Rs. 150—10/2—180.
Assistant Panchayat Officers ..	Rs. 45—3/2—75.

" (d) District Panchayat Officers and Assistant Panchayat Officers who have worked as special officers of large panchayat boards are eligible for appointment as Municipal Commissioners. District Panchayat Officers and Assistant Panchayat Officers are also eligible for appointment as District Board Secretaries.

" (e) Candidates for appointment as Municipal Commissioners are ordinarily selected by a Selection Board and included in a list which is approved by Government. No list is maintained of persons eligible for appointment as District Board Secretaries. The President, District Board makes the appointment with the approval of Government.

" (f) Some Associations of employees of local bodies have suggested the formation of a combined service for all employees of local bodies and this is being examined in connection with the question of the improvement of conditions of service of employees of local bodies."

Executive Officers of Panchayats.

* 47 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Local Administration be pleased to state—

(a) Whether regulations governing method of recruitment, pay and allowances, discipline and conduct of Executive Officers of Panchayats have been framed and if so what they are;

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(b) whether the salaries paid to executive officers is dependent on the income of the panchayats irrespective of the nature of the duties performed by them;

(c) whether the duties of the executive officers are in any way less onerous than those of Commissioners of Municipalities;

(d) whether these executive officers are entitled for selection to other remunerative posts under the Municipalities and Local Boards such as Commissioners, Panchayat Officers, etc.; and

(e) whether the Government have under consideration any scheme to constitute one service for Municipalities and local bodies?

THE HON. MR. DANIEL THOMAS:—“(a) Regulations relating to recruitment, pay, etc., of executive officers of panchayats and certain amendments thereto have been issued with G.O. No. 2494, Local Administration, dated 17th November 1945, and G.O. No. 600, Local Administration, dated 27th March 1946. A copy ^a of the regulations is placed on the table of this House.

“(b) Panchayats have been classified into three grades according to their income and the scales of pay of the executive officers are as shown below:—

	Grade.	Scale of pay of Executive Officer.
(i) Panchayats having an average income ranging from Rs. 5,000 to Rs. 10,000.	III	Rs. 50—3/2—65.
(ii) Panchayats having an average income ranging from Rs. 10,000 to Rs. 20,000.	II	Rs. 65—3/2—80.
(iii) Panchayats having an average income of over Rs. 20,000.	I	Rs. 80—5/2—100.

“(c) Yes. Generally speaking, municipalities have a larger jurisdiction and a larger population than panchayats. Therefore the duties of a Commissioner of Municipality may be taken as more enormous than those of an executive officer of a panchayat.

“(d) Executive Officers of Panchayats are eligible for appointment as Commissioners or as District Panchayat Officers provided they are qualified and suitable for the post. In fact, some executive officers of panchayats have already been appointed as Commissioners.

“(e) Some associations of employees of local bodies have suggested the formation of a combined service for all employees of local bodies and this is being examined in connexion with the question of the improvement of conditions of service of employees of local bodies.”

SRI R. SURYANARAYANA RAO:—“Is the Hon. Minister aware that there are some panchayats though the population is

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large, they have not been made into municipalities, where the executive officers' salaries are very poor? "

THE HON. MR. DANIEL THOMAS :—" The Government are aware of that position and Government are considering whether such panchayats can be raised to the status of municipalities. "

Purchase of agricultural tractors and ploughs.

* 48 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have purchased tractors for use in this Province;

(b) if so, how many;

(c) how do they propose to use them;

(d) have they purchased ploughs along with these tractors; and

(e) who is responsible for initiating this scheme?

THE HON. SRI P. S. KUMARASWAMI RAJA :—" (a) Yes.

" (b) Out of 78 Crawler type Tractors indented for, only 40 have so far been received.

" (c) It is proposed to use the tractors for clearing and levelling new areas reported to be available for cultivation and the cultivated plots abandoned and left fallow on account of causes beyond the control of the owners. It is also proposed to use them for clearing silt in tanks and for bunding and terracing operations in the dry farming districts of Bellary and Anantapur.

" (d) Yes.

" (e) The Director of Agriculture, Madras."

SRI P. R. K. SARMA :—" May I know what is the amount the Government have invested in purchasing this machinery? "

THE HON. SRI P. S. KUMARASWAMI RAJA :—" Notice."

SRI R. SURYANARAYANA RAO :—" May I know whether it is a fact that they got tractors first but not ploughs? "

THE HON. SRI P. S. KUMARASWAMI RAJA :—" Subsequently we got them. "

SRI P. R. K. SARMA :—" May I know whether the machinery which has been purchased are to-day in a serviceable condition? "

THE HON. SRI P. S. KUMARASWAMI RAJA :—" Yes, Sir,"

DR. SYED TAJUDDIN SAHIB BAHADUR :—" Are these tractors suitable for small holdings or for large holdings? "

THE HON. SRI P. S. KUMARASWAMI RAJA :—" What is the extent of smalling holdings you have in mind? "

DR. SYED TAJUDDIN SAHIB BAHADUR :—" Say about 30 or 50 acres."

THE HON. SRI P. S. KUMARASWAMI RAJA :—" It would be useful, Sir."

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Starting of a women's college in Madras.

* 49 Q.—SRI O. P. RAMASWAMI REDDIYAR: Will the Hon. the Minister for Education be pleased to state—

(a) whether Sri V. L. Ethiraj promised a contribution to start a Women's College in Madras;

(b) if so, whether the money has been deposited with the Government or the University; and

(c) whether the Government have taken any steps to open the college?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“(a) Yes.

“(b) Certain securities have been deposited with the University.

“(c) This is a matter for the University. It is stated that for want of suitable accommodation for the College, it has not been possible to push through the scheme.”

SRI O. P. RAMASWAMI REDDIYAR:—“When are they going to start the College? Is there any time-limit?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“No, Sir, there is no time-limit. If I may state the actual facts, Mr. Ethiraj approached the Government for certain buildings which could be given to him, so that he might be able to start the college. The Government are taking action in the matter and I hope, if the buildings are made available, the college would possibly be started in the next academic year.”

SRI B. BHIMA RAO:—“May I know the amount of contribution given by Mr. Ethiraj?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“The amount promised is up to Rs. 10 lakhs, but as far as I understand, the amount deposited in the shape of securities in the University is Rs. 1,80,200.”

SRI B. BHIMA RAO:—“When is he going to give the balance, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“The hon. Member must apply to the proper quarters.”

DR. SYED TAJUDDIN SAHIB BAHADUR:—“Is the proposed college for women going to have a curriculum which will be the same as for mixed colleges or is there any special curriculum going to be fixed?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“If I am not mistaken, he is anxious to start a college for women. Mr. Ethiraj has not formulated any schemes to the Government.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Who is to be in management of the college, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR:—

“The hon. Member must address the question to Mr. Ethiraj.”

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K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ The Government are going to give large grants for this purpose and should not they know therefore who would be in management of the college? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—
“ That question has not yet arisen.”

SRI S. JAYARAMA REDDIYAR :—“ When does the Minister propose to collect the balance? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—
“ It is a promise given to the University. So the Minister does not come into the picture.”

Abolition of the Zoology section of the Ceded Districts College, Anantapur.

* 50 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether his attention has been drawn to the report in the *Indian Express*, dated 3rd July 1946, about the Zoology Section of the Ceded Districts' College, Anantapur, being abolished ;

(b) whether the facts reported are correct and if so, the reasons for the abolition of the said section and the cancellation of thirty admissions ;

(c) whether the Government permitted the Principal to open the section before he granted admission to the students ;

(d) which authority is responsible for its closure ; and

(e) whether the thirty students have secured admission elsewhere ; and what has become of them?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“ (a) & (b) The Zoology section in the Government Arts College, Anantapur, has not been abolished. The temporary cancellation of the 30 admissions by the Principal was due to the fact that the Additional Assistant Lecturer in Natural Science for whom there was no post at that time was transferred from the college. The post of an Additional Assistant Lecturer in Natural Science has since been sanctioned.

“ (c) Permission was granted by the Director to open the additional section.

“ (d) No orders were issued for the closure of the section.

“ (e) Except one or two who sought admission elsewhere all the other students have been admitted.”

Procedure in re supplementary questions.

SRI A. GOVINDACHARLU :—“ Mr. President, Sir, as we are not able to hear some of the answers given to the questions by the Minister, may I request you to arrange the next day for our putting supplementary questions. In the case of the Central Legislature, in October 1935 the President of the Legislative Assembly gave a ruling that supplementary questions have to be allowed on a day other than that on which the original question has been answered in the House. The purpose of this arrangement is to give time

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for hon. Members to go through the answers to the original questions and enable them to ask supplementary questions on the next day, if necessary. I would request you, Sir, to allow us also the same privilege."

UNSTARRED QUESTIONS.

Post-war schemes.

2 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state the number of post-war schemes of each Department of Government already accepted and in operation and those still under the consideration of the Government?

A.—A statement is appended.*

Subsidies to wells in the Vizagapatam district.

3 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of new wells for which subsidies were given in the Vizagapatam district; and

(b) whether the Government propose to grant subsidies for more wells in the Vizagapatam district which is a dry district?

A.—(a) Up to 30th June 1946, subsidies were given for 3,747 new wells.

(b) No fresh subsidies will be granted under the accelerated scheme, except in specially hard cases. A new scheme for all the districts is under the consideration of the Government.

Licences to Vanaspathi factories.

4 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) for how many Vanaspathi factories Government have granted licences;

(b) whether a licence was granted to any company for constructing a Vanaspathi factory in the Vizagapatam district;

(c) if the answer to (b) is in the affirmative, to what company the licence was granted and when; and

(d) whether the Government are contemplating starting any new factories themselves; and, if so, their nature?

A.—(a) 7.

(b) Yes.

(c) Permission was granted in September 1945 to the Vizagapatam Vegetable Oil Products, Limited, which was sponsored by the Maharaja of Jeypore and the Raja of Bobbili.

(d) Yes. The Government have sanctioned the installation of a hydrogenation factory at Calicut in the Malabar

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district capable of a daily output of 15 tons refined oil and 10 tons of hydrogenated fat. The construction of the buildings to house the factory is in progress.

Grant to Y.M.I.A., Mylapore, for building rooms.

5 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Motor Transport and Food be pleased to state—

(a) whether in view of the acute housing problem in the City of Madras, the Government intend giving any grant to the Y.M.I.A., Mylapore, for building a number of rooms since they agree to accommodate Members of the legislature; and

(b) whether the Government propose to construct houses and rent them to the poor at low rents?

A.—(a) There is no such proposal before the Government.

(b) No; but a scheme for the construction of houses for industrial and other labourers and renting them at low rents is under consideration.

Irrigation schemes in the Vizagapatam district.

6 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there are any irrigation schemes in the Vizagapatam district for which estimates are ready and if so, when the Government propose to take them up for execution; and

(b) whether in view of the acute famine conditions prevailing in the North Vizagapatam district the Government propose to order the immediate survey and preparation of estimates for the Vamsadhara and other irrigation schemes?

A.—(a) No. In June 1946 the Chief Engineer for Irrigation was asked to submit his report in respect of certain irrigation schemes in North Vizagapatam district and it is awaited.

(b) The Government have asked the Chief Engineer for Irrigation to re-examine and submit his report on the following schemes:—

- (1) Extension of Nagrikatakam channel.
- (2) Restoration of Hamsaralli Sagaram tank.
- (3) Mahendratanya Reservoir Project.
- (4) Varahalapedda Reservoir (Gopalapuram tank).
- (5) Bhuda Project.

The Collector of Vizagapatam has also promised to report on certain schemes which he considers should be taken up in North Vizagapatam.

Motor traffic in the Province.

7 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Motor Transport and Food be pleased to state—

(a) the number of buses plying in the City of Madras;

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(b) whether it is a fact that the people have to wait for hours near the halting places and their work is thereby dislocated;

(c) what steps the Government propose to take to give relief to the people; and

(d) whether there is any proposal to nationalize the motor traffic in the Province?

A.—(a) On 6th August 1946, the number of line buses plying in the City of Madras was 175 and the number of spare buses was 39.

(b) It is true that some passengers have to wait at some intermediate bus stops on heavy routes during peak hours: the waiting period may be up to 20 minutes.

(c) Chassis for 20 more buses will be allotted as soon as possible and the timings of trips revised so as to make buses run at more frequent intervals during peak hours. The number of buses will be further increased, if necessary, as and when adequate number of vehicles become available. The Central Road Traffic Board has also under consideration arrangements to remove congestion at bus-stands by the running of short route buses.

(d) The attention of the hon. Member is invited to the Press Communiqué No. 21, dated 4th September 1945, which enunciates the policy hitherto followed by the Government in the administration of motor transport in this Province. The question whether and if so how far the policy needs any revision is under the consideration of the Government.

Management of the properties of the late Kakarlapudi Neelayamma Garu of Pandaranki, Vizagapatam district.

8 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Hindu Religious Endowments be pleased to state—

(a) whether the Government has received any complaints regarding the management of the properties of the late Kakarlapudi Neelayamma Garu of Pandaranki in the Vizagapatam district by the managers of Sri Rudrabhatla Rama Sastri and others; and

(b) if so, what action the Government has taken on these complaints?

A.—(a) The answer is in the affirmative.

(b) A report has been called for from the Board of Revenue on the subject.

Drainage schemes in municipalities.

9 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) in what municipalities drainage schemes have been already sanctioned;

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(b) the order in which the Government propose to permit the execution of those works; and

(c) whether the Government will be pleased to give priority to the drainage scheme of the Vizianagram Municipality as it is the oldest scheme?

A.—(a) Coimbatore, Chittoor, Negapatam, Rajahmundry, Salem, Tirupati and Srirangam under execution. Tuticorin and Virudhunagar—estimates under revision; Vizianagram—estimate to be revised.

(b) Tuticorin, Virudhunagar and Vizianagram.

(c) The execution will be taken up as soon as estimates are revised and preliminaries settled.

Nomination to the Municipal Council of Vizianagram.

10. Q.—SRI N. VENKATACHALAMAJI: Will the Hon. the Minister for Local Administration be pleased to state whether some councillors of the superseded Municipal Council of Vizianagram have been nominated to the present nominated Council and if so, why?

A.—Three councillors, namely (1) Vetcha Bulli Veeraswami, merchant, (2) Udayagiri Seetharamaswami, wakil and (3) Masalaganti Rama Rao, wakil, who had been on the superseded Council were appointed as councillors of the reconstituted Council with effect from 13th March 1946, on the recommendation of the Collector of Vizagapatam.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY THE HON. THE PRESIDENT.

* MR. PRESIDENT:—“I have to announce to the House that the following message, dated Fort St. George, the 7th September 1946, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

‘In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Tenants and Ryots Protection Bill, 1946 (L.A. Bill No. 6 of 1946), as passed by the Assembly on the 7th September 1946 and signed by me for the concurrence of the Council.’

“I have also to announce to the House that the following message, dated Fort St. George, the 9th September 1946, has been received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

‘In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Trade Disputes Adjudication (Temporary Provision) Bill, 1946 (L.A. Bill No. 3 of 1946), as passed by the Assembly on the 9th September 1946 and signed by me for the concurrence of the Council.’”

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III.—GOVERNMENT BILL.

THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (SECOND AMENDMENT) BILL, 1946

* MR. PRESIDENT :—“ Discussion will now proceed on the Madras District Municipalities and Local Boards (Second amendment) Bill, 1946.”

* THE HON. MR. DANIEL THOMAS :—“ Mr. President, Sir, you may be pleased to put the Bill clause by clause to the House and any amendments which have to be moved with reference to any particular clause may be taken up and discussed under each clause, under rule 92 of the Council Rules.”

Clause 2.

* MR. PRESIDENT :—“ I have received notice of an amendment from the hon. Dr. V. K. John for clause 2. He will now move it.”

* DR. V. K. JOHN :—“ Sir, I move the following amendment standing in my name, viz.—

‘ Clause 2 shall be amended as follows :—

“ The provisions of section 4 (1) (a) or section 8 (1) (a) of the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, are hereby repealed to the extent they provide for reconstitution of superseded or dissolved municipal councils or district boards by nomination. All the members of such municipal councils or district boards when reconstituted shall be elected.” ’

“ The clause as it stands in the Bill runs as follows :—

‘ Where any municipal council or district board has been superseded or dissolved and has not been reconstituted before the commencement of this Act, or where any municipal council or district board is superseded or dissolved after the commencement of this Act, the provisions of section 4 (1) (a) or section 8 (1) (a), as the case may be, of the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942 (hereinafter referred to as the said Act), shall not apply to the reconstitution of such municipal council or district board and all the members of such municipal council or district board, when it is reconstituted, shall be elected.’

“ My reason for this amendment is that a proper form of enactment has to repeal the former statutes and not merely say that the provision of such and such section shall not apply to the reconstitution of the local body.

“ Sir, it is only a matter of form not so much a matter of substance. Courts of law have again and again criticised legislation which repeals enactments repealing previous statutes by implication and not directly by a statement that these are being repealed. In almost every statute where there is any repealing of previous statutes, you will find a schedule indicating the acts repealed. I am suggesting this for the purpose of showing, if the Hon. Minister will agree, that the form may be accepted. If that is not accepted in the present case, I hope he will at any rate do

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it hereafter. In very many Bills which repeal previous enactments, I think it is much better, safer, clearer and much more in form and in order to say that a previous enactment is repealed either in whole or in part. If you will allow me, Sir, I do not want to move my first amendment. I may remind the House that the expression used in section 2 'after the commencement of this Act,' but you do not find anywhere when the Act commences. In all the Bills introduced, it is usual to say 'It shall come into force at once' but since there is nothing to indicate this, I move my amendment, namely :—

' Clause 2 shall be amended as follows :—

" The provisions of section 4 (1) (a) or section 8 (1) (a) of the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, are hereby repealed to the extent they provide for reconstitution of superseded or dissolved municipal councils or district boards by nomination. All the members of such municipal councils or district boards when reconstituted shall be elected." "

* SRI K. O. ANTHONI :—" I second it, Sir."

* THE HON. MR. DANIEL THOMAS :—" I oppose the amendment proposed by my hon. Friend. In the first place, I would like to point out to the House that if the amendment is carried through, this Bill requires to be sent down again for the consideration of the Assembly. I do not say that the procedure is wrong. But what I would submit to the House is that only in essential matters, in matters where some necessary modification has to be made in the substance of the Bill would it be advisable to pass such an amendment. So far as this proposal is concerned, I am afraid, this is merely putting something in another form. Certainly if my hon. Friend had given his form before the drafting stage of the Bill, we would have taken advantage of it. As it stands, clause 2 is not at all ambiguous; it is more explicit than what the hon. Member put up as an amendment. For example, this clause 2 makes it clear that the provisions of this clause shall apply to all cases where municipal councils or district boards are superseded or dissolved before the commencement of this Act and not reconstituted and it also applies to cases of district boards or municipal councils to be superseded hereafter. My hon. Friend is not able to point out in what substantial sense or feature of this clause, there is lacuna as it stands drafted. Of course it is open to any one to paraphrase; you all know the well-known exercises in composition in our college days where a passage can be paraphrased in different forms. So long as there is no substantial change or ambiguity in the clause as it stands, there is no necessity to accept the amendment proposed by my hon. Friend.

" As regards the date, my hon. Friend pointed out that this Act does not mention on which date this Act comes into force. May I invite the attention of my hon. Friend to clause 5 of the

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Madras General Clauses Act which provides that whenever there is no specific date mentioned in any particular Act, that Act comes into force on the date on which it receives the assent of His Excellency the Governor. It is also published in the *Fort. St. George Gazette* that it has received the assent of the Governor and it is notified that it becomes part of the Act. Therefore, there is no difficulty about the date of commencement of the Act. I therefore object to the amendment and I would ask my hon. Friend to withdraw it."

* SRI R. SURYANARAYANA RAO :—" Sir, I have a few remarks to offer. The fact that if any amendment is carried in this House, it is necessary that it should be reconsidered by the Assembly, need not be mentioned by the Hon. Minister. I wish he had not mentioned that fact. This House has every right, if the drafting suggested by my hon. Friend Dr. John is correct, it has every right to improve the Bill. Otherwise it will have the seal of approval of a badly drafted form."

* MR. PRESIDENT :—" The hon. Member is perfectly right."

* DR. V. K. JOHN :—" In view of the assurance given by the Hon. Minister in his speech and for the reason that it is not so much a matter of substance—though I do not think he is right in saying that the amendment could have been suggested beforehand—I withdraw the amendment."

The amendment was by leave of the House withdrawn.
Clause 2 was put and carried.

Clause 3.

* MR. PRESIDENT :—" Two hon. Members have given notice of amendments to this clause, one is by the hon. Member Dr. John and the other is by the hon. Mr. Narayanaswami Nayudu. I request both the hon. Members to move their amendments so that the discussion can go on simultaneously on both the amendments."

* DR. V. K. JOHN :—" I move the amendment that stands in my name, namely :—

Clause 3 shall be amended as follows :—

"The Government shall have power to prescribe the manner and the dates of such elections and shall also have the power to appoint any person as a Special Officer for such a district board to exercise and discharge, before the newly elected members assume office, the powers and duties of the district board and its president and such other powers and duties which the Government may prescribe. The Government shall also have power to order the payment to him from the District Fund, such remuneration as the Government may fix."

"In this connexion, Sir, I wish to read out section 3 of the Bill as it stands :

'3: (1) Where elections have to be held for the first time after the commencement of this Act to fill vacancies in the office of the members of any district board whose term of office has been fixed under section 7 or section 8 (1) (c) of the said Act, then, notwithstanding anything

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contained in the Madras Local Boards Act, 1920, and in section 11 (a) of the said Act, it shall be lawful for the Provincial Government—

(i) to cause elections to be held to the district board so that its newly elected members may come into office on any date fixed by the Provincial Government, which may be different from the date of expiry of the term of the members previously holding office;

(ii) to advance or postpone the date fixed under clause (i) and fix instead another date;

(iii) to appoint for that district board a Special Officer to exercise the powers, discharge the duties and perform the functions of the district board and its president, during the interval between the date of expiry of the term of the members previously holding office and the date on which the newly elected members will come into office.

(2) Where a Special Officer has been appointed under sub-section (1), he shall exercise the powers specified in sub-section (3) of section 240 of the Madras Local Boards Act, 1920, and any such officer who is not a District Collector or Revenue Divisional Officer may, if the Provincial Government so direct, receive payment for his services from the district fund.'

"Here again, Sir, it is not purely a matter of form but it is also a matter of substance, and my amendment makes the position clear. Now, Sir, in sub-clause 1 (3), you find the words 'to appoint for that district board a Special Officer to exercise the powers, discharge the duties and perform the functions, etc.' What the functions of that Special Officer are, are not clear. It is merely stated that a Special Officer who can exercise the powers of the district board can be appointed. If you take the next clause you will find: 'Where a Special Officer has been appointed under sub-section (1), he shall exercise the powers specified in sub-section (3) of section 240 of the Madras Local Boards Act, 1920'. In that section 240 of the Madras Local Boards Act, 1920, sub-section (3) says: 'The Special Officer shall exercise the powers, discharge the duties and perform the functions of the local boards until the board has been constituted and of the president of the board until a president has been elected by the board.' It is the same thing we are repeating in clause 3 (1) (iii) and repeating in sub-clause (2) what is stated in sub-clause (1) (iii). As a matter of fact, if only section 240 of the Madras Local Boards Act, 1920, had been read and studied, there would have been no need for section 3 at all to be put in this Bill, because section 240 of the Act makes special provision in the case of newly constituted and reconstituted local boards. Again, sub-clause (6) of section 240 of the Madras Local Boards Act, 1920, says: '(6) The provisions of sub-sections (1) to (5) shall apply save as otherwise provided in this Act and so far as may be, to all cases of reconstitution of local boards.' Therefore, Government had the power and have the power under section 240 of the Madras Local Boards Act, 1920, to appoint special officers and the special officer under sub-clause (3) and sub-clause (6) for the constituted or reconstituted local boards, can exercise powers, discharge the duties and perform the functions of the local boards, etc. Now, that is a mere repetition here. This House is supposed to take the collective responsibility of putting on the Statute Book a repetition of the Act.

"Secondly, a more serious objection to the section is the provision relating to what is stated in the clause, namely, 'It shall be lawful for the Provincial Government'. When an act

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is done which is unlawful, then it can be made lawful by the Legislature at any time. What the Government intend in introducing this Bill is not clear, because under section 13 of the Madras General Clauses Act, certain powers are given to them which they can exercise from time to time. Now what does this say? Under clause 2 (1) it only wants to take power to advance, postpone the date fixed under clause (i) and fixed instead another date. It only says that the newly elected members may come into office on any date fixed by the Government. There is no date fixed. I say this is bad drafting. The phraseology lawful for the Government is not correct. Then according to sub-clause (2) Government take power to appoint any person as special officer to discharge the functions of the district board, etc. They may even take more powers under that clause. The Government shall also have powers to the payment of remuneration to the special officer as the Government may fix. Then, the remuneration clause is this : 'and any officer who is not a district collector or revenue divisional officer may, if the Provincial Government so direct, receive payment for his services from the district fund.' Here, Government direct him to take payment, but he may or may not do it. This is bad drafting. Giving power to Government to appoint any person and taking the payment from district funds—that is what is required. But there is no provision in the section which says that Government shall have power to prescribe the manner and the date of election and the appointment of a person as special officer, payment to him of remuneration and investing him with such powers as the Government may think fit. Instead of fixing a pay or remuneration to be paid out of the district fund, we have a wrong section 3. This section by implication takes away the effect of section 13 of the Madras General Clauses Act. If they had simply left it there, they would have framed section 3 (1) (2) with reference to section 13 of the General Clauses Act to postpone the date of election and fix another date for the members for coming into office. Then what about the third date. What the Government want is power to conduct these elections in the manner best suited to the circumstances of a particular class and to extend it from time to time and they also want power to appoint a special officer though they have it under section 240 of the Local Boards Act. If they find any difficulty in regard to payment to the special officer under section 240, let them remove it and appoint him. Where is it stated in this Bill that Government can fix his pay. If the Government say, he may receive the pay, Government must also have the power to fix his pay. It is not there. The idea is, Government want to appoint as special officer any person other than a district collector or revenue divisional officer and to pay him from district funds after fixing his pay. Instead of a straight clause giving them all powers, they want to contravene the powers given to them under the General Clauses Act in the matter of fixing the pay. Therefore, I submit that it is not only a matter of mere form. Section 3 is clumsily worded and therefore, this House cannot take the responsibility of enacting this law and putting it on the Statute

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Book. We have a responsibility to see that the enactment is clearly worded and worded according to law. What the Government here want is power to do certain things. The Minister says that it has to go back to the Assembly without any questioning and therefore, I should not seek to amend it. If that is so, though the rules published for the guidance of this House should be deleted because though the rules provide that even if an Act comes from the Assembly and passed previously by the Assembly, still this House can make amendments. We are only trying to assist in a spirit of help in getting through legislation. The Hon. the Minister said that if this amendment had been before him before this clause was drafted, he might have accepted it. Is that a statement that an Hon. Minister can make? Why are we here for? Are we here to propose amendments when Bills come up and it is for the Minister to say, if I find it reasonable, I will accept it. For instance, they must give some reason why they should provide one date and then another date and not a third date. Why should they not bring up a more comprehensive measure to the effect that whenever they find any difficulty, they can do anything they like."

* SRI R. SURYANARAYANA RAO :—" I formally second it, Sir."

* SRI B. NARAYANASWAMI NAYUDU :—" Sir, I move the amendments that stand in my name :—

Clause 3 (1).

' The words " it shall be lawful for " shall be omitted.'

Clause 3 (1) (i).

' For the word " to " where it first occurs, the word " shall " be substituted.'

Clause 3 (1) (ii).

' For the word " to " the word " may " shall be substituted.'

Clause 3 (1) (iii).

' For the word " to " the word " may " shall be substituted.'

' After the words " Special Officer " the words, " for a period not exceeding one month " shall be inserted.'

Clause 3 (2).

' The following proviso shall be inserted :—

" Provided that the Special Officer shall have no powers to reconstitute polling areas."

' In line 3, for the word " any " the word " no " shall be substituted.'

' The words " who is not a District Collector or Revenue Divisional Officer " occurring in lines 3 and 4 shall be omitted.'

' In line 4, for the word " may ", the word " shall " be substituted.'

' The words " if the Provincial Government so direct " shall be omitted.'

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" Sir, the really difficult clause in this Bill is clause 3 relating to the extent and operation of its provisions. It is a question of taking away the elective principle which the Advisers' Government took away by superseding these boards. The present Government says, "We take away the nominated members" but does not say, they are going to put in elected members but on the other hand, they say, "We will put in special officers for a period which is not known." There is no indication as to how long this period of interregnum will continue. The power of nomination which was challenged is sought to be exercised by the very same people—now the popular Government. I question that. I cannot tolerate it. How long these special officers of district boards are going to continue in their office and what are the powers that they are going to exercise? After all, they are nominated persons. They can do anything they like, never mind they are put in charge only for the period of the interregnum. You do not want nomination; at the same time, you want to forego election by creating an interregnum. I ask what is the period of the interregnum. Is it to be one year, two years or what, and the Special Officer doing what, during this period? There are two central facts underlying my amendment. Even according to the existing provision, there is nothing to prevent election and this Bill is merely a repetition of the past legislation. What is the period for which this nomination is deliberately asked for? There is no time limit. Even though it is for a single board, we do not know how the Special Officer is going to function and for what period; is it for one, two or three months? That is not defined in the Bill."

* MR. PRESIDENT :—" The hon. Member may turn this side because the Press is not able to catch what the member is saying."

* SRI B. NARAYANASWAMI NAYUDU :—" Sir, the purpose of my amendment is twofold. As my hon. Friend pointed out, the phrase 'it shall be lawful for the Provincial Government' seems to me to be ridiculous. In section 3 it is stated that for reconstituting the boards members shall be elected. The first thing is, it is not a question of 'lawful' as if for the first time elections are given to us by this democratic Government. Election is all along there. The question really is, when are the elections going to be held? That is why I have put in the amendment to fix the period of limitation. Even supposing you appoint a special officer for the district boards, he should not be appointed for a period not exceeding one month. My hon. Friend will come up and say, do you know it is only for four or five months? All right, have it. What is the meaning of this amending Bill which is sought to be introduced in this House? Why are we here for? Do we expect us to pass this? The elective principle is the stronghold of any democracy. Is it elective principle to nominate a special officer without knowing what his duties are and how long he will be put in power? Therefore, I wish to limit the interregnum to a period of one month. Since a time limit is not fixed, it may extend to one, two or three years if you want."

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(The Hon. Mr. Daniel Thomas :—‘ All right. Put it three months. ’) That is exactly what I am asking you. Then again you want to pay the nominated officer a remuneration but that remuneration is not fixed. In view of all this, Sir, I consider this an ill-drafted measure.

“ My another amendment is ‘ No such officer shall receive payment for his service from the District Board Fund. ’ It is not merely a question of patronage. It is a question of how far we are going to administer the common law. Even though it is for a short duration of three months, cannot you get people to work for three months without any remuneration. It is stated in the Statement of Objects and Reasons that in order to prevent improper influence being exercised by the Presidents and Members of the District Boards, special officers are going to be nominated. After all, cannot these special officers use any improper influence, and, as already stated by my hon. Friend, Mr. Suryanarayana Rao, there are many honourable presidents of district boards who will not stoop to such methods. Therefore, the crux of the whole Bill is this, is nomination pure and simple, which is brought in under the guise of election; this is patronage pure and simple. Therefore, Sir, unless this provision with regard to time limit is accepted, this House shall not give its moral support to this Bill.”

* SRI RAO BAHADUR D. KRISHNAMURTHY :—“ I second it.”

* THE HON. MR. DANIEL THOMAS :—“ Mr. President, Sir, I oppose both these amendments but before I get into the details of these amendments, I would like to make my position clear. I am afraid the expression used by me has been misunderstood by some hon. Members of this House. I never meant it, and I will be the last person to deny the right of this House to make such amendments as they find necessary and expedient. My only submission in calling the attention of the House to the fact is that if amendments are made on non-essential matters and on mere matters of form or phraseology or wording, the consequence is that the Bill will have to go back to the Assembly again. I only wanted to mention this. I therefore ask that my statement should not be misunderstood.

“ Now, as regards the amendment moved by my hon. Friend, Dr. John, I would say that it is a question of form in the phraseology, or wording of the clause. The matters which are brought out in this clause are specifically set out in brief whereas my hon. Friend, Mr. John, puts it in one particular form.

4-15 P.m. “ He is not correct when he says that the present clause is only a repetition of the provisions of section 240 (3) of the Madras Local Boards Act of 1920. What is generally set out in section 240 (3) is specifically stated in sub-clause (2) and the one is complementary to the other and there is no question of repetition.

“ My hon. Friend also mentioned the provisions of section 13 of the General Clauses Act and said that if power were once given to the Government to do a certain thing, they can exercise that

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power and discharge their duty pursuant thereto from time to time. The power given to Government to do a particular act also involves power to repeat that act on future occasions. In respect of elections, power is taken by the Government according to sub-clause (1) (i) and (ii) and they are more explicit and definite. We may fix a date and the original date may be altered subsequently for any reasonable necessity. The Government want only so much of powers as are necessary for the purposes of carrying out the provisions of the Bill. It is not necessary to take larger powers, though larger powers exist according to the Madras General Clauses Act. Government wish to delimit their authority to the necessities of the particular occasion. There does not seem to be any virtue in re-drafting this clause.

“ So far as payment to special officers are concerned, the hon. Member said definite limit must have been prescribed. It may be noted even at the outset that the funds from which payment is to be made are local board funds and that is why Government have taken powers to direct payment from the funds of the local board concerned, in case the special officers appointed are neither Collectors or Divisional Officers. If other persons are appointed the question of payment does arise. There is no ambiguity about it and it will be with reference to the responsibilities of the duty demanded of the special officer. There seems to be no valid objection against acceptance of that clause. In a matter like this, we shall have to consider whether there is anything radically or substantially necessary; so far as this clause is concerned, it is not, though various suggestions have been made for improving it. As the clause stands, it is clear enough and brings out the limit of powers necessary for the Government for the purposes of the Bill. This clause is very elaborate and clear. Special officers appointed for the purposes of the Act may not be highly learned in the law to know the provisions of the Madras General Clauses Act and the position has been made quite clear here.

“ My hon. Friend Mr. Narayanaswami Nayudu was speaking as if we were taking special powers which did not exist in the old Acts. In the Act of 1920, there is power to appoint special officers for the period of the interregnum. But according to Act XXIV of 1942, it was made compulsory that the new members should come into office on the very date on which the old members cease to function. We are only reverting to the old position, namely, that during the period of election, it is good and desirable that elections are free and there is no undue influence. Therefore, during that period special officers are to be appointed to carry on the normal duties of the local boards. If he is the Collector or the Divisional Officer, he need not be paid. If some other person is to be appointed and he is not to be paid, the charge will be made that he is a party man. Apprehensions have been expressed in certain quarters that some of them may not be absolutely impartial. I say, Sir, there is no question of partiality if the Collector or Divisional Officer is the special officer. If any other person is to be

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appointed, he becomes the paid servant of Government and, therefore, he may be expected to hold the scales even between the various parties. At any rate, there will be no reason or necessity or occasion to fear that he will not hold the scales even during the period of the election. It is only to allay apprehension in the minds of some people that the person appointed might be a party man, that no provision for honorary officers has been made. He is either a Collector or a Divisional Officer or if any other person is appointed, he is a paid officer of the Government. It is with the idea of putting the administration in the hands of responsible men that Government servants are appointed. We expect that they will hold the scales even. The arguments of my hon. Friend are not such as to take away in any way the validity of the provision of clause 3. I give the assurance that elections will be over before December this year; the schedule of dates is already being prepared for holding elections in November and December and the period for which special officers will be appointed will be less than three months. I assure my hon. Friend that he need not entertain any apprehensions that the Government will prolong the period of appointment of special officers for a indefinite period and thereby deny the electors of their right of vote to choose their representatives to the municipalities and district boards. We are anxious to restore elections. Otherwise, there is no need for amending the Act of 1942, which gives us ample powers to appoint our own men to carry on the local board administration. We have brought in this measure because we do not want to take advantage of the powers that vest in us by the Act of 1942, and we wish elections to be conducted as early as possible. I assure my hon. Friends that the fears expressed by them are unfounded and we are anxious to conclude the elections before December 1946."

* DR. V. K. JOHN :—" My objection, Mr. President, is that either we are having two inconsistent clauses or we are having a repetition. The duties of a special officer have been defined in section 240 (3) of the Local Boards Act of 1920 and it seems to have been re-stated in clause 3 (1) (iii) of the present measure. My point is that if they are consistent one with the other, it is a repetition. If they are not they must be inconsistent. Nobody can get out of it. I shall read section 240 (3) of the Local Boards Act, 1920.

'The special officer shall exercise the powers, discharge the duties and perform the functions of the local board until the board has been constituted and of the president of the board until a person has been elected by the board, and relevant portion of clause 3 (1) (iii) says:—

'exercise the powers, discharge the duties and perform the functions of the district board.'

" I do not see how the one is different from the other. Either it will be a repetition or it will be an inconsistency I cannot subscribe to it."

* THE HON. MR. DANIEL THOMAS :—" Clause 3 takes power for the appointment of special officers and for conducting the elections in the matter of dates and other arrangements. Sub-clause (3)

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relates to the powers which are to be given generally but clause 3 (1) (iii) relates to specific powers which can be exercised."

The amendments were put and declared lost and a poll was demanded.

The House divided thus—

Ayes 10; *Noes* 23.

Ayes.

- | | |
|---|--|
| 1 K. T. M. Ahmed Ibrahim Sahib Bahadur. | 6 Hamid Sultan Maricair Sahib Bahadur. |
| 2 Sri B. Narayanaswami Nayudu. | 7 Mr. K. O. Anthoni. |
| 3 Abdul Latif Farooki Sahib Bahadur. | 8 Sri D. Krishnamurthy. |
| 4 Dr. Syed Tajuddin Sahib Bahadur. | 9 Sri H. M. Jagannatham. |
| 5 Sri M. D. T. Kumaraswami Mudaliyar. | 10 Sri A. R. L. Pathy. |

Noes.

- | | |
|-----------------------------------|-----------------------------------|
| 1 Sri B. Bheema Rao. | 13 Sri A. Govindachari. |
| 2 Sri K. Madhava Menon. | 14 Sri C. Perumalaswami Reddiyar. |
| 3 Sri S. K. Satagopa Mudaliar. | 15 Sri O. P. Ramaswami Reddiyar. |
| 4 Sri N. Sankara Reddi. | 16 Sri S. Jayaram Reddiyar. |
| 5 Sri N. Venkatachalamji. | 17 Mrs. M. Hensman. |
| 6 Sri C. N. Muthuranga Mudaliyar. | 18 Mrs. M. N. Clubwala. |
| 7 Dr. U. Rama Rao. | 19 Sri R. Suryanarayana Rao. |
| 8 Sri M. Narayana Menon. | 20 Lieut.-Col. K. R. K. Ayyangar. |
| 9 Sri K. Natarajan. | 21 Sri C. Veerabhadra Rao. |
| 10 Sri T. Purushotham. | 22 Sri N. Ranga Reddi. |
| 11 Sri N. Ramabhadra Raju. | 23 Sri G. Venkata Reddi. |
| 12 Sri M. Sudarsanam. | |

* MR. PRESIDENT :—" *Ayes* 10; *Noes* 23; the *Noes* have it. The amendments are lost."

Clause 3 was put and carried.

Clause 4.

* DR. V. K. JOHN :—" Mr. President, Sir, clause 4, as it stands, is—

'If any difficulty arises in giving effect to the provisions of this Act, or of the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, as amended by this Act, the Provincial Government, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.'

"My amendment, Sir, is—

'Government shall have power to make rules not inconsistent with the provisions of this Act, for the purpose of carrying into effect the provisions of this Act.'

"I take very serious objection to enacting clause 4 in the Act as it stands. I do not want to criticize the language; it says 'as occasion may arise'; it does not say 'occasion arises.' There are two serious objections to this Statute. The first is, it ropes in the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942. What justification there is for Government to attract these three Acts. What difficulties have arisen. The House has not been taken into confidence. We are not told whether any difficulty has arisen at all.

[Dr. V. K. John] [10th September 1946]

We have not heard of any difficulty in carrying out the provisions of the Acts of 1920. Nevertheless, the Government wants now to pass a bill which attracts these two Acts, and they say "We want power not to frame rules which we have got, but power to do anything we like whenever we feel difficulty may arise." Democracy must always keep a nice balance between the three branches of the State, namely, the executive, the legislature and the judiciary. It is then that we have a democracy. If every power is taken by the executive and the executive is grabbing at everything, there is an end of democracy. Now the Legislature is supreme, and it is the elementary principle of constitutional law wherever there is any democratic form of government. What does Government want? The Government want to do anything whenever they feel any difficulty in carrying out the provisions of the two Acts of 1920 and the Act of 1942. Perhaps the real intention of this Act is to enact clause 4 and not to take power to appoint Special Officers which they have under section 240 of the Madras Local Boards Act, 1920. It is ununderstandable why in this Act—which the Hon. Minister says is only transitory in character although he does not fix the date—Government should seek power to do anything to remove any difficulty arising in giving effect to the provisions of the District Municipalities Act, 1920, and the Madras Local Boards Act, 1920. Is it not enough for them to take power to do anything they like if any difficulty arises in giving effect to the provisions of this Act? I can understand that the Act is so badly worded that many difficulties are likely to arise. They could take power to make rules or do anything as far as this Act is concerned. But why attract the provisions in these two older Acts. Yesterday when this question was raised in the general discussion, the Hon. Minister was saying that he is only concerned with the administration of the provisions of this Act. If that be so, I do not know why they have put the word 'or' the District Municipalities Act, or If the idea is not only to banish foreign government but also banish foreign language by misusing the language, then they are perfectly free to do it if it is not the intention. I do not understand why they should use the word 'or.' If the intention of the Minister is that the words 'as amended by this Act' should qualify the other two Acts also, he should use proper language. When they do an act, who can question it? We are allowing them to do anything they like if, in their opinion, any difficulty arises. I say, Sir, this is putting the thin end of the wedge to destroy the legislature and the powers vested in it. This is not democracy. I suggest that they frame any number of rules to carry into effect the provisions of this Act, and in the rules they can provide anything they like from time to time. These rules have to be consistent with the provisions of the Act, as they may go before a court of law or may be criticized and may be placed on the Table of this House. To give them the power to do anything they like not only to carry out the provisions of this Act, but also to carry out the provisions of the two main Acts is going too far and the legislature is only invited to abdicate its powers."

4-45
p.m.

Mr. R. W. Theobald seconded the amendment.

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* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Mr. President, Sir, I move the amendments standing in my name—

(1) *In clause 4 the words, " or of the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, as amended by this Act " shall be omitted.*

(2) *In clause 4, for the words " do anything which appears to them necessary " the words " do whatever is necessary " shall be substituted.'*

" The reasons for these amendments I have already explained yesterday. The only power which any government should take while legislating for any purpose shall be the rule-making powers. If the Hon. Minister is not prepared to content himself with the rule-making power conferred by Dr. John's amendment, my amendment goes a step further and I suggest therefore that the Government do accept my amendment which gives them power to do anything they like so far as the carrying out the provisions of this particular Act is concerned. But the clause as it now stands gives to Government full power to do anything they like not only in regard to the provisions of this Act but also the provisions of the two main Acts. It is unfortunate that such an important clause which arms the Government with power to do anything they like with regard to the two main Acts which have been on the Statute Book for more than 26 years has been brought in, in a subordinate manner while taking power to carry out the provisions of this simple Act. It is after all a transitory measure. That is why I move that clause 4 may be redrafted as follows: ' If any difficulty arises in giving effect to the provisions of this Act . . . the Government may, as occasion may arise, by order *do whatever is necessary* for the purpose of removing the difficulty.' Coming to the second part of my amendment. For what the Government think necessary in a particular case there may not be actually any reasonable necessity at all, but under the Bill, as it is, if they appear to them to be necessary, they can do what they like. As I said, there may not be any reasonable necessity at all for doing the particular Act. Still they can do it. That is why I want the clause to be redrafted as suggested above, so that both the amendments the Hon. Minister will concede as reasonable. If my amendments are accepted, he will have the maximum power to carry out the provisions of this Act without causing an invasion on the provisions of the two main Acts. Therefore these are very reasonable amendments which, while giving power to the Government to carry out the provisions of this Act, would not give them power to do anything they like under the provisions of the main Acts."

Hamid Sultan Marakkayar Sahib Bahadur seconded the amendments.

* SRI R. SURYANARAYANA RAO :—" I rise to support the amendments of Mr. Ahmed Ibrahim for two reasons. Yesterday

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when I raised this question in the general discussion of the Bill, the Hon. Minister for Local Administration quoted the Acts of 1937 and 1938 passed in the Assembly and the Council and said that he was merely copying as it were the sections of those Acts. First of all, I do not think he should take the Acts passed in 1937 and 1938 as a guide. However he could have been content, as his hon. Colleague is in another Bill that may be coming up shortly. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government, as our friend suggested, may whenever it seems necessary by order do anything which appears to them necessary for the purpose of removing the difficulties. If he had merely reproduced the section which the Hon. Mr. Karanth has put in, in the Bill that will be coming up shortly, nobody would have raised any objection. Yesterday the Hon. Minister for Local Administration tried to answer me saying: it is only mere drafting, and nothing more is meant by it. I am not satisfied with the explanation. It is much more than mere drafting in introducing the Acts of 1920 in this connection. So I support the amendments of Mr. Ahmed Ibrahim."

* DR. V. K. JOHN :—" If these amendments are accepted, I withdraw my amendment to clause 4."

* THE HON. MR. DANIEL THOMAS :—" Mr. President, Sir, I am sorry I have to oppose both the amendments. As regards the amendment of my hon. Friend Mr. John, he asks: what is the difficulty? Why not you take us into confidence and let us know what the difficulty is. If we know what the difficulty is, we are sure to take the House into confidence. We are providing for difficulties in the future unforeseen and unforeseeable at present.

" Then it has been asked: why are you not satisfied with rule-making powers? Why do you want an 'order'? There are different classes of Acts. For example, there is the Madras District Municipalities Act under which licences are issued for cinemas. Under it, rules are authorized to be made for regulating the grant of licences. The licence shall be granted on payment of certain fee; the application should be in a certain form and it should be put in at a particular time, and the licence shall last for a particular period and so on and so forth. Here it is not a question of framing rules. No rules are necessary. Because we are holding election in November and December if any difficulty arises some orders may be passed by us to lead us out of the difficulty. This is not a case at all for framing rules. When we ask for power to make an order, it is no use saying: "You had better frame rules." Rules are not necessary. They would not be apposite at all. No rules need be framed under this Act. And therefore it is that we did not ask for rule-making power. If any difficulty arises, we ask for power to get over the difficulty by an order. My Hon. Friend Mr. Karanth's Bill was referred to. There also the purport is the same though the phrasing or wording may differ. The Government may do anything is one wording. Government may by order do anything is another. The words 'by order' are not there. It does not make any difference. If the Government does anything it will

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do that by an order. Therefore I see no difference between the provision in my Hon. Friend's Bill and the provision as it stands in my Bill. Then it was asked both by Mr. John and Mr. Ibrahim : why bring in the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942. You will see that the words are ' If any difficulty arises in giving effect to the provisions of this Act, or of the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, *as amended by this Act* . . . ' If any difficulty is created by the present amending Act with reference to any of those Acts, that difficulty may be obviated by an order of Government. You will see that in the District Municipalities Act and the Local Boards Act, there are certain statutory provisions relating to the holding of elections. For example, it is said that the term of office of members shall be three years, that their term of office shall expire on the 1st November, that on the 1st November elections should be held, and so on and so forth. If this present Act creates any difficulty in regard to the provisions of those Acts, the Government may do anything just necessary to obviate it. My hon. Friend Mr. Ahmed Ibrahim asked : why ' appears to them necessary,' why not ' is necessary.' It is considered ' necessary ' by whom? By the Government? In this modest Bill, instead of saying ' which is necessary,' we have said : ' if it appears to the Government necessary.' It is only a question of wording. It does not really go into the root of the matter.

" My hon. Friend Mr. Suryanarayana Rao said that there are a series of enactments, Act IX of 1937, Act II of 1938 and such similar Acts. I may also say that the Mother of Parliaments has given still larger powers in their Statutes. I may here refer to the Poor Law Act of 1930 as enacted by the British Legislature. You will see what larger powers are given under this Act, than what we ask for in this modest measure. Under the Poor Law Act of 1930, the Minister shall make such rules, orders and regulations as he may think fit for the management of the poor. Then there is the Local Government Act of 1929 which empowers the Secretary of State to make by order any adaptations or modifications of the provisions of any Act necessary to bring those provisions into conformity with the provisions of this Act. To give effect to the provisions of that particular Act, he can modify the provisions of *any Act*. As instances of the delegation of power to modify the Act conferring the power, nine Acts passed between the years 1888 and 1929 may be cited, the power being conferred for the purpose of facilitating the bringing of the Act into operation, to remove difficulties or remedy defects in conditions subsisting at initiation of the new legislation. If any difficulties are found to exist, we have to remove them and that is what is done under this Act. The provisions in the present Bill are more modest than the powers given to Government in the

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various Acts passed by the British Parliament. I would therefore submit that clause 4 may be retained as it now stands, and that it may be accepted by this House."

The amendment of Dr. V. K. John was put and lost.

The two amendments of Mr. K. T. M. Ahmed Ibrahim were put and lost.

Clause 4 was put and carried.

Clause 1.

* DR. V. K. JOHN :—" I only said that there may be a clause as in every Bill, as to when it will come into force. The Hon. the Minister said that the General Clauses Act will apply. Therefore I withdraw my amendment."

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. MR. DANIEL THOMAS :—" I beg to move that the Bill be passed into law."

The motion was put and carried.

IV.—MOTION FOR SUSPENSION OF RULE 17 OF THE MADRAS
LEGISLATIVE COUNCIL RULES.

THE HON. SRI T. PRAKASAM :—" I move the motion standing in the name of the Hon. Sri Veeraswami.

" I move—

'that rule 17 of the Madras Legislative Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 11th September 1946.' "

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I would like to point out that Ministers who are not members of this House cannot take part. Yesterday, a ruling was given with regard to making motions by Ministers who are not Ministers of the House."

* MR. PRESIDENT :—" No, not in such a restricted form. The question was whether Ministers, who were not members of this House, can do anything other than merely speak. The ruling was that except voting they can do everything else in this House."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, I rise to oppose the motion moved by the Hon. the Premier. I feel, Sir, that rule 17 gives a privilege to the non-official members to move resolutions and Bills. It is only once a week that this privilege is given to non-official members. On all other days, the Government have got the right to transact their own business. If even that privilege is taken away from the non-

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official members of this House, there seems to be no purpose in the non-official members coming and sitting here except for endorsing what the Hon. Ministers or what the members of the Ministerial party say or do. While opposing the motion, I should like to make one suggestion which does not seem to be contrary to the motion moved by the Hon. Premier. The motion is that 'Rule 17 of the Madras Legislative Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 11th September 1946.' I do appreciate the pressure of work that the Government have got. I am certain that the Hon. the Prime Minister who is a gentleman saturated with ideas and principles of democracy will not be inclined to restrict or deprive non-official members of this privilege. I do appreciate the difficulty in which he and his colleagues are placed. I submit that, while allowing the Prime Minister and his colleagues to transact official business, the House may permit non-official members also to move Bills or resolutions, so that they may not be deprived of the privilege which they have only once a week. The suspension does not appear to me to be the suspension of the non-official business. 'The proviso to rule 17 says 'Provided that on a motion made by a member of Government for the suspension of this rule, the Council may resolve to transact Government business on Wednesdays other than Wednesdays during the period of the discussion of the budget.' My interpretation of the proviso is that, though the Council may resolve to transact Government business, non-official business may also be transacted on a Wednesday which is allotted for non-official business. I do not see any inconsistency at all. Therefore I request the Hon. Premier to allow non-official business also along with the official business that he wants to take up tomorrow. As I have already stated, this privilege is very much restricted. In the budget session, non-official members are not allowed to move resolutions or Bills. So, during the budget session, they are altogether deprived of the privilege. At best, in one session, there may be only one Wednesday. We do not know whether another Wednesday is going to be allotted for non-official business at all. If not, tomorrow is the only day on which non-official business can be transacted. Therefore I submit that the Hon. the Premier may be pleased to allow non-official members to move their resolutions and Bills, and at the same time Government business also can be transacted."

* SRI R. SURYANARAYANA RAO:—"Mr. President, Sir, I am so sorry that so soon in the life of this Council a motion of this kind should have been brought by the Prime Minister. As my hon. Friend, Mr. Farookhi said, Wednesday is a privileged day for the non-official members of this House. Suppose this Council had met on a Thursday and concluded on Saturday, then there would not be a non-official day. During the budget session we cannot claim this privilege. What is it that makes the Government come forward with such a motion? Are they not prolonging the Assembly day after day when there is Government business? Why not tomorrow be allotted for non-official business and this

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Council prolonged as long as the Government need for transacting their business? Why should they deprive the non-official members of this privilege when there is non-official business before this House, as you are aware? Some members have got Bills for introduction. Though it may be a formal thing, Bills have to be introduced in this House. Otherwise they cannot be published in the Gazette. Then there are resolutions about which there may not be much difference of opinion between the non-official members and the Government. Why should they not be allowed to take advantage of this Wednesday to transact non-official business? I am afraid the Government perhaps do not want certain topics to be brought before the House just now. I feel very sore on this point, because I am one of those who have taken a lot of trouble to prepare the matter for the resolution, and now all of a sudden the Government flings this motion on this House. I am glad that the Hon. Minister did not mean to move the motion tomorrow itself just at the commencement of the meeting. If he had done so and if the House had passed the motion, certainly we would not have been able to do anything.

5-15
p.m.

“ I am grateful to you, Sir, for this concession shown to non-official members of this House. I do not understand why the Government should try to take hold of a day which they have intended for non-officials. There are any number of days except Wednesdays and why should they deprive us of this privilege. One is tempted to express very strongly when one feels that the much-valued privilege of non-official members of this House is sought to be deprived of, because the Government have a majority in this House. They are taking undue advantage of the majority behind them in depriving this House of a privilege which is much valued by non-official members of this House. Why should they? If any non-official Bill is moved, they have got a thumping majority to defeat it. Let them face the situation instead of by-passing the non-officials as it were.

“ Above all, Sir, I feel sore that the Hon. the Premier who values so much the privilege of democratic institutions should have come forward with a motion to deprive this institution of the only privilege that it possesses. It should not have come from a Government of which he is the Prime Minister. If it had come from an official Government or a Government by Executive Councillors, I could understand. That happens often in the Central Assembly and in certain other places. But such a thing to come before a House like this and that too a motion of this kind by the head of a popular Government, to deprive people's representatives—whether they are nominated or elected, still they represent the people—of the only opportunity of moving their Bills and resolutions—to deprive this House of such a valued privilege, Sir, I cannot understand. I do not think, Sir, that the Hon. the Premier will press his motion. All those who do not belong to his party are not in favour of his motion. Simply because he has got a majority behind him, let him not override the wishes of a very

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respectable minority. Often, Sir, a majority is bad. But this time, it is going to be too bad by depriving even this House of a valued privilege."

* MR. THEOBALD :—" Mr. President, I should like to support Hon. the Prime Minister's request and I should like to add that the previous speaker has ruined his own case by saying that a popular Government is now ruling with a thumping majority. It got that thumping majority because it is a popular Government. It is now trying to put on the statute book certain very important measures which require to be put on the statute book quickly. I feel, as a non-official member, that we should be prepared, during the first few months to help the Government in every way possible. As regards what my hon. Friend Mr. Farookhi has said, I think he has forgotten that there are only sixty minutes in an hour and there is only half-a-day in which the whole business of Government can be disposed of. If the non-officials wish to use their own day, when there is so much Government business, the Government will have no chance at all to finish their business. So, I appeal to the non-officials, 'I speak knowing what privilege means and how precious it is valued in my own country.' I appeal to them nevertheless that when the occasion demands they should be willing to give up their rights."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Mr. President, I join with other hon. Members in opposing this motion of the Hon. the Premier. We have not got any non-official day ever since this House began and now non-official Bills and resolutions are pending before the House for a long time, though they have been given notice of before many of these items of Government business were thought of. We do not know when we will have the great privilege of having another Wednesday during the course of these meetings. My hon. Friend, the European Member said that there are very urgent Government Bills before the House and they cannot afford to wait. But so far as we are concerned, Sir, we have only one day and that is Wednesday. Nothing will be lost by transacting the non-official business tomorrow. The Assembly is going on and even if we pass these Bills tomorrow, there may be Bills that would be passed by the Assembly tomorrow and we shall have to meet again for some more time, when those Bills are placed before this House. Therefore we would not be losing any time at all, and there would be no disadvantage or loss at all in transacting non-official business tomorrow. One day alone, we want. Then we may sit on Saturday or next Monday for these Government Bills. The non-official Bills and resolutions which are pending before this House are very important ones affecting the welfare of the people. I know some of them. Therefore I would appeal to the Hon. the Premier not to press his motion and allow us to move tomorrow the Bills and resolutions which have been given notice of by members on this side of the House, tomorrow. After all, it is true that the Government has got a thumping majority and as

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has been said by one jurist 'the minorities are almost in a position of a vanquished enemy.' We know our position. We know that ours will be a cry in the wilderness. Still we appeal to the Hon. the Prime Minister to give a chance and an opportunity to represent our views. What would be the fate of those resolutions and Bills we do know. But still we want an opportunity to give expression to our views and we once again request the Hon. the Premier not to press his motion."

* DR. V. K. JOHN :—" Mr. President, Sir, I should have liked the Government to give us the reason why tomorrow the Government business should be transacted. There is a principle involved in rule 17 and Wednesday should not be taken away without assigning any reasons whatever. That there is a majority behind the Government and that they could pass any motion without giving reasons, is not fair to the House. The Government ought to state the reasons why tomorrow is required by the Government for official business. If tomorrow is taken away by the Government, all non-official resolutions and Bills will have to stand over for another time. It is not said that even next Wednesday will be guaranteed to non-official members of the House. But my main objection is that this House should not be treated in the manner in which it has been treated by the Hon. the Prime Minister who has moved a motion suspending the rules without assigning any reasons. He could say some reason why tomorrow should be assigned to Government work and I expect the Hon. the Premier to do so now."

* MRS. MONA HENSMAN :—" Mr. President, Sir, I will not take more than two minutes. I do think that I should associate myself with the hon. Members of this House, who with all due respect to the Hon. the Premier want that their non-official Bills to be included in the agenda for tomorrow. It is fair to expect a certain amount of non-official business to be transacted during each session. I appeal to you Mr. President to uphold the rights of minorities and to safeguard the privileges of this House. You are in the chair of fairness and justice, and it is only two or three hours or perhaps five hours at the most in the whole session that are going to be claimed by those members who have brought forward public questions worthy of the notice of the House tomorrow. I do submit, Sir, that all the Government Bills that pass through the Madras Legislative Council and the Madras Legislative Assembly are not the only weapons and arms of the Government. These non-official Bills represent those sides of thought and those particular points of view that cannot be enacted in Bills introduced by the Government. And though I am a loyal supporter of the Bills brought in by the Government of this Province, I do trust that we will also be able to help the Government by the other work we are doing. I would therefore request you, Sir, to allow my plea to uphold and defend the privileges of this House and see that tomorrow is made a non-official day."

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* MR. PRESIDENT :—“ I am sorry, I have no right of speech. (Laughter).”

THE HON. SRI T. PRAKASAM :—“ Mr. President, Sir, I did not expect that the hon. Members of this House will grudge the request made by the Government for suspending the non-official business and allowing the Government business to get along. Hon. Members are aware of the critical period through which the country is passing and the circumstances under which these special enabling powers have to be taken to carry on the business. The business is not of an ordinary type. Every one of the items for which short legislation is brought before this House is a very important business. We are not sitting quietly to transact our business in peace as it were. For that one reason, I expect hon. Members of the House not to raise any objection to this motion.

“ Perhaps hon. Members of the House are aware of the conditions under which each Bill is sought to be introduced in this House. Rule 17 of the Rules for the Madras Legislative Council runs as follows :—

‘ On Wednesdays, except Wednesdays during the period of discussion of the budget, non-official business shall have precedence. On all other days, no business other than Government business shall be transacted except with the consent of the Leader of the House given on behalf of Government :’

Provided that on a motion made by a member of Government for the suspension of this rule, the Council may resolve to transact Government business on Wednesdays other than Wednesdays during the period of the discussion of the budget.’

“ Although hon. Members of the House are entitled to claim a non-official day for carrying on non-official business, the proviso to the rule clearly points out that on urgent occasions like this, precedence must be given to Government Bills. Instead of asking me to withdraw the motion, hon. Members would allow me to request them to withdraw their opposition and to allow the rule not to become obsolete.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, 5-30
my point has not been answered by the Hon. Prime Minister. I p.m.
suggested that non-official business may be transacted along with official business; that some time may be allotted for the non-official business and some time for official business. We do not grudge the greater part of the day being taken up by the Government. We are simply requesting that a portion of the day may be given to us.”

THE HON. SRI T. PRAKASAM :—“ That point has already been answered by the hon. Mr. Theobald. We know what we are. We know when we begin to speak on any motion, how much time we take and how it may not be possible to do business partly for the Government and partly for the non-official members. It will be a most ill-advised step to think of doing both the things in the course of the day. Therefore hon. Members may allow the Government business to-morrow.”

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* MR. PRESIDENT :—“ I will put the motion to the vote of the House.”

The motion was put and declared carried.

Poll was demanded and the House divided :—

Ayes.

- 1 Sri K. Madhava Menon.
- 2 „ B. Bheema Rao.
- 3 „ L. Subbarama Reddi.
- 4 „ S. K. Satagopa Mudaliar.
- 5 „ M. Narayana Rao.
- 6 „ N. Sankara Reddi.
- 7 „ N. Venkatachalamaji.
- 8 „ C. N. Muthuranga Mudaliar.
- 9 Dr. U. Rama Rao.
- 10 Sri M. Narayana Menon.
- 11 „ K. Natarajan.
- 12 „ T. Purushotham.
- 13 „ N. Ramabhadra Raju.
- 14 „ M. Sudarsanam.
- 15 „ C. Perumalswami Reddiar.
- 16 „ O. P. Ramaswami Reddiar.
- 17 „ S. Jayaram Reddiar.
- 18 „ R. W. Theobald.
- 19 „ C. Veerabhadra Rao.
- 20 „ N. Ranga Reddi.
- 21 „ G. Venkata Reddi.
- 22 „ A. R. L. Pathy.

Noes.

- 1 Mr. K. T. M. Ahmed Ibrahim Sahib.
- 2 Sri B. Narayanaswami Naidu.
- 3 Mr. Abdul Latif Farookhi Sahib.
- 4 Dr. Syed Tajuddin Sahib.
- 5 Sri M. D. T. Kumaraswami Mudaliyar.
- 6 Mrs. M. Hensman.
- 7 „ M. N. Clubwala.
- 8 Mr. Hamid Sultan Maricair Sahib.
- 9 Sri R. Suryanarayana Rao.
- 10 Mr. K. O. Anthony.
- 11 Dr. V. K. John.
- 12 Sri D. Krishnamurthy.
- 13 „ H. M. Jagannatham.
- 14 „ P. R. K. Sarma.

Ayes 22, Noes 14. The motion was carried.

* MR. PRESIDENT :—“ Official business will be conducted to-morrow. The House will now adjourn to meet at 11 a.m. to-morrow.”

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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APPENDIX I.

[Vide answer to starred question No. 42 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 10th September 1946, page 309 supra.]

Rules for the selection of candidates for admission to Medical Colleges.

1. *Age-limit*.—Candidates for admission to Medical Colleges should have completed 17 years of age on or before registration as a medical student which will be subsequent to passing the pre-registration course.

2. *Selection of Madras and non-Madras candidates*.—(i) In the selection of candidate, applicants belonging to the Madras Province should be given preference.

(ii) The number of seats which can ordinarily be allotted to non-Madrasi candidates is specified below :—

	Number of seats.
(1) Students sent by the Government of Travancore	4
(2) Students sent by the Government of Cochin	2
(3) Students sent by the Government of Pudukottah	1
(4) Applicants other than those coming from Travancore, Cochin and Pudukottah, preference being given to those from Banganapalli and Sandur	2
(5) Students sent by the Administration of Coorg	2
(6) Students from the Civil and Military Station, Bangalore ..	3

If applicants from the Indian States are not forthcoming in any year to fill up the seats reserved for them the vacant seats should be allotted to students belonging to the Madras Province.

(iii) The States of Travancore, Cochin and Pudukottah, and the Administration of Coorg, shall have the right to select their own candidates for whom seats are reserved, provided that the candidates selected possess the prescribed minimum educational qualifications.

(iv) If a sufficient number of candidates belonging to the Province of Madras are not forthcoming, seats can be allotted to candidates from Travancore, Cochin and Pudukottah in addition to the number reserved for them.

(v) Two Colonial Indian students may be admitted into the Medical College, Madras, if the Principals who select candidates for admission are satisfied that they are specially deserving.

3. *Selection of candidates from backward and unrepresented communities*.—Due regard should be paid to the admission of students from backward and unrepresented communities and the proportion prescribed in rule 19 (a) (i) of the General Rules for Provincial and Subordinate Services for recruitment to services should be kept in view in this regard.

3-A. (1) In order to secure an adequate representation of linguistic areas, so far as qualified candidates in such areas are available the total number of seats available for admission of Civil students every year, i.e., the total number of seats in the colleges minus seats actually required for admission of Military medical

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pupils, subjects of Indian States and those coming from outside the Province for whom seats have been reserved shall be allotted as indicated below :—

Group 1.—50·8 per cent of the seats will be allotted for the candidates from the group of districts which is predominantly Tamil, viz., Madras, Chingleput, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad, Tinnevely and the Nilgiris.

Group 2.—38·1 per cent of the seats will be allotted for candidates from the group of districts which is predominantly Telugu, viz., Vizagapatam, East Godavari, West Godavari, Kistna, Guntur, Nellore, Cuddapah, Kurnool, Anantapur, Chittoor and Bellary.

Group 3.—11·1 per cent of the seats will be allotted for candidates from the West Coast districts, viz., South Kanara and Malabar.

For purposes of admission, the number of seats reserved for women and those available for men candidates should be taken up separately and allotments made in accordance with the percentages indicated above.

If a sufficient number of candidates belonging to each group are not forthcoming to fill all the available seats in accordance with the percentages, the balance of seats left over will be distributed among the remaining linguistic areas in the proportion in which seats have to be allotted.

If a sufficient number of women candidates are not forthcoming to fill all the seats reserved for them, the balance of the seats available will be distributed among the linguistic groups for the admission of men candidates in accordance with the percentages indicated above.

NOTE.—The ratios indicated in sub-rule (i) need not be treated as absolutely hard and fast, but selections to each group should be made so as to reach the ratios as nearly as possible. In making the selections, the need mentioned by the Surgeon-General, to provide for such outstanding candidates as there may be from the West Coast districts should be kept in view.

(2) Candidates (whether Tamil, Telugu or others) will count against the district to which they belong according to their certificates of nativity. The nativity certificate required to be furnished by the candidate indicates the district to which the candidate belongs.

(3) The instructions contained in sub-rules (1) and (2) shall be subject to the instructions already issued regarding representation of communities and classes.

4. *Order of preference.*—(1) In making the selection, preference should be given to candidates in the following order with due regard to the admission of unrepresented and backward communities including scheduled classes :—

(a) Those who have taken the B.A. or B.Sc. degree with Physics, Chemistry, Zoology, Botany or Physiology as the main subject in the first or second class.

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(b) Those who have passed the Intermediate examination in the first class with Physics, Chemistry and Natural Science as optionals.

(c) Those who have passed the Intermediate examination in the first class with Physics, Chemistry and Mathematics as the optionals.

(d) Those who have passed the Intermediate examination in the first class with Physics, Chemistry and any other subject as the optionals.

(e) Those who have passed the B.A. or B.Sc. degree with Physics, Chemistry, Zoology, Botany or Physiology as the main subject in the third class.

(f) Those who have passed the Science group in B.A. or B.Sc. but have not qualified for the degree.

NOTE.—If any of these candidates of groups (e) and (f) have taken a first class intermediate they will be grouped under (b), (c) or (d) and ranked with those candidates according to the total marks obtained in Intermediate.

(g) Those who have passed Intermediate in the second class with Physics, Chemistry and Natural Science.

(h) Those who have passed Intermediate in the second class with Physics, Chemistry and Mathematics.

(i) Those who have passed Intermediate in the second class with Physics, Chemistry and any other subject as optional.

(j) Those who have passed any other examination accepted by the syndicate as sufficient for admission to the college.

(2) When any vacancies occur the Principal shall fill them up strictly in accordance with the above order of preference.

5. *Reserve list of candidates.*—In order that no seat in any of the colleges may be left vacant, a few more than the prescribed number of candidates, say not exceeding 20, should be selected. The list of such candidates who will form the reserve should be kept separate from the list of candidates selected for admission. Their names should not be published until they are actually required to join any one of the colleges.

6. *Allotment of candidates to colleges.*—Applicants should as far as possible be admitted into the college they have selected. The Principals of the Colleges, are, however, at liberty to allocate a candidate to any college should they find it necessary to do so provided that Andhra students should be given preference for admission to the Vizagapatam Medical College.

7. *Reservation of seats for women candidates.*—Thirty seats in the Medical College, Madras, sixteen seats in the Stanley Medical College and three seats at Vizagapatam shall be reserved for women students who satisfy the regulations for admission to the M.B.B.S. course and they shall be selected in the order of preference indicated in rule 4 above. If women students belonging to the Madras Province are not forthcoming in sufficient numbers the vacant seats shall be allotted to men candidates belonging to this Province. The Principals can also admit women candidates in excess of the reserved number of seats if there are sufficient number of qualified candidates.

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Other instructions.—(1) Applications for admission from members of families that have done notable war service will receive special consideration.

(2) *Instructions issued in 1946.*—For the academic year 1946–47 only, 20 per cent of the total number of seats are reserved for the admission of candidates on the basis of merit, irrespective of the orders fixing linguistic and communal proportions.

(3) Instead of 49 seats reserved for women, 23 per cent of the total number of seats will be reserved.

(4) Ten per cent of the seats will be reserved for ex-service personnel who are natives of the Madras Province and who are eligible for the benefits of the scheme for further education.

APPENDIX II.

[Vide answer to starred question No. 47 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 10th September 1946, page 321 supra.]

Regulations regarding the methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of executive officers of panchayats.

[G.O. No. 2494, L.A., dated 17th November 1945, as amended by G.O. No. 600, L.A., dated 27th March 1946.]

In exercise of the powers conferred by sub-section (6) of section 21 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), and of all other powers hereunto enabling, His Excellency the Governor of Madras hereby makes the following regulations regarding the methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of executive officers of panchayats :—

REGULATIONS.

1. *Definitions.*—In these regulations, unless there is anything repugnant in subject or context—

(1) a person is said to be “appointed to the Service” when in accordance with these regulations, he discharges for the first time the duties of a post borne on the cadre of the service or commences the probation prescribed for members thereof;

(2) “approved probationer” means a member of the Service who has satisfactorily completed his period of probation and awaits appointment as a full member of the Service;

(3) “cadre” means the sanctioned strength of the Service;

(4) “discharge of a probationer from the Service during the period of his probation” means reverting him to his permanent post or dispensing with his services, as the case may require;

(5) “Full member of the Service” means a member of the Service who has been appointed substantively to a permanent post borne on the cadre thereof;

(6) “Government” means the Government of Madras;

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(7) "Inspector" means the Inspector of Municipal Councils and Local Boards;

(8) "unit" means any one of the two groups of executive officers of panchayats in the districts specified in Annexure I to these regulations under the headings "Tamil *cum* Malayalam unit" and "Telugu *cum* Kannada unit";

(9) "member of the Service" means a probationer, an approved probationer or a full member of the Service;

(10) "military duty" means—

(i) duty of any kind (including a course of training) involving subjection to Naval, Military or Air Force law; or

(ii) duty (including a course of training), with a liability to serve overseas or in any operational area in a Naval, Military or Air Force unit or formation or under Military, Munitions or Stores authorities or in factories; or

(iii) wholetime duty in—

(a) the Civil Pioneer Force, the Madras Civil Labour Units or the Madras Labour Units for Ceylon; or

(b) the A.R.P. or any other civil defence organization specified by the Central Government; or

(c) any post created for the efficient prosecution of the recent war or associated with the training of war technicians, if duty in such post is declared by the Central Government to be military duty;

(11) "period of probation" of a member of the Service means the period of probation prescribed in these regulations, together with—

(a) the period until the issue of an order by the Inspector under clause (c) of regulation 8, declaring the probationer to have satisfactorily completed his period of probation, or—

(b) the period until an order discharging the probationer under clause (b) or clause (d) of regulation 8 takes effect;

(12) "probationer" means a member of the Service who has not completed the period of his probation.

Explanation.—A person on military duty shall be deemed to have commenced his probation in the Service from the date on which he would have been appointed as executive officer but for his absence on such duty;

(13) "Scheduled Castes" means the communities mentioned in Annexure II to these regulations; and

(14) "Service" means the Madras Panchayats Executive Officers' Service.

2. *Constitution.*—The service shall consist of three grades of executive officers of panchayats. The sanctioned strength of the Service shall be the same as the number of panchayats notified by the Government under section 21 (1) of the Madras Local Boards Act, 1920, for appointment of paid executive officers.

3. *Recruitment.*—(a) Appointment to the Service shall be made by the Government on the recommendation of the Inspector in the case of first appointment to a notified panchayat and by the

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Inspector in respect of subsequent appointments thereto and shall be made from among the following categories of persons, namely :—

(1) Ex-special officers of panchayats ;

(2) candidates who have successfully undergone the training prescribed for special officers of panchayats and have been selected for appointment as executive officers ; and

(3) persons who have successfully undergone such training as is prescribed for executive officers of panchayats.

Appointment to the Service shall be made as follows :—

I grade—Promotion from II grade or for special reasons by direct recruitment.

II grade—Promotion from III grade or for special reasons by direct recruitment.

III grade—Direct recruitment.

(b) The ex-special officers of panchayats and trained candidates who are on military duty shall not by reason only of their absence on such duty forfeit their claims for appointment as executive officers after they are discharged from military duty.

4. *Temporary appointments.*—Where it is necessary in the public interest to fill immediately a vacancy in a post borne on the cadre of the Service, a person may be temporarily appointed as executive officer. Such an appointment, if it is a first appointment to a panchayat, that is, appointment made immediately after the panchayat is notified for appointment of executive officer under section 21 (1) of the Madras Local Boards Act, 1920, may be made by the Government on the recommendation of the Inspector and in other cases by the Inspector. A person appointed under this regulation to any of the three grades of executive officers of panchayats shall not be treated as a probationer and shall not, by reason only of such appointment, have any preferential claim to future appointment to the Service.

5. *Communal representation.*—(i) So far as qualified and suitable candidates of the communities concerned are available ; appointments to the Service shall be made in the following order, namely :—

One Non-Brahman (Hindu).

One Muhammadan.

One Non-Brahman (Hindu).

One Anglo-Indian or Christian or Non-Asiatic.

One Brahman.

One Non-Brahman (Hindu).

One member of the Scheduled Castes.

One Non-Brahman (Hindu).

One Muhammadan.

One non-Brahman (Hindu).

One Anglo-Indian or Christian or Non-Asiatic.

One Brahman.

(ii) The stage at which the communal rotation specified in clause (i) shall commence when first applied to the Service, shall be determined by the Government.

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(iii) If a qualified and suitable candidate belonging to any community is not available for appointment to the Service in the turn allotted to that community under clauses (i) and (ii) or under this clause, a qualified and suitable candidate belonging to the community next in the order specified in clause (i) shall, if available, be appointed; but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to the Service, until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(iv) Where a probationer belonging to any community is discharged from the Service, otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration, when after the confirmation of the order of discharge on appeal or after the expiry of a period of one year from the date of the order of discharge, whichever is later, any appointment is to be made to the Service until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(v) If, when an appointment to the Service is to be made, there are two or more communities having a preferential claim under clause (iii) or clause (iv), that community shall receive first consideration whose preferential claim first arose.

NOTE.—The provisions of this regulation shall apply to appointments in each of the two linguistic units, namely, *Tamil-cum-Malayalam* and *Telugucum-Kannada*.

6. Qualifications.—(a) No person shall be eligible for appointment to the Service unless he—

(i) is either a British subject or if he is not a British subject, has obtained a declaration of eligibility under section 262 (2) of the Government of India Act, 1935;

(ii) is a graduate of a University mentioned in Annexure III to these regulations in the case of persons belonging to communities other than the Scheduled Castes;

(iii) is the holder of a Secondary School-Leaving Certificate eligible for College courses of study in the case of persons belonging to the Scheduled Castes;

(iv) has not attained the age of 30 years on the date of his appointment to the Service:

Provided that a person in the Government, local board or municipal service shall be eligible for appointment till he attains the age of 35 years;

(v) satisfies the Government that he is of sound health, active habits and free from bodily defect or infirmity unfitting him for the Service; and

(vi) satisfies the Government that his character and antecedents are such as to qualify him for the Service:

Provided that the Government shall have power to exempt any person or class of persons from the operation of all or any of the provisions of sub-clauses (i) to (iv).

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(b) The selected candidates shall undergo, at their own expense, a course of practical training prescribed by the Government and only those who complete the training satisfactorily shall be eligible for appointment.

7. *Special Tests*.—(a) A member of the Service who, on the date of the coming into force of these regulations holds a post in the first or the second grade shall, within two years from that date, pass Part I of the Account Test prescribed for Subordinate Officers in Government Service, unless he has already passed the said test :

Provided that in the case of a member of the service who is on military duty, the period of two years shall be counted from the date of his reversion to a post in the Service.

(b) If any member of the Service who, on the date of the coming into force of these regulations, holds a post in the second or first grade fails to pass the test referred to in clause (a) within the time allowed therein, his increments shall be liable to be stopped until he passes the test, but such stoppage shall not operate to postpone his future increments after he has passed the test.

(c) If such member fails to pass the test referred to in clause (a) within three years from the date of the coming into force of these regulations or within three years from the date of reversion to a post in the Service in the case of a member of the Service on military duty, he will be liable to be discharged from the Service.

(d) If any person is directly recruited to the second or first grade, he shall pass the test prescribed for promotion to that grade within the period of probation, failing which he shall be liable to be discharged from the Service.

(e) A probationer who has been or may be deputed for military duty shall be entitled to count towards the period of probation, the period spent on military duty during which he would have held a post in the Service but for his deputation for military duty.

8. *Probation*.—(a) Every person appointed to the Service shall, from the date on which he joins duty, be on probation for a total period of two years on duty within a continuous period of three years and shall not be eligible for appointment as a full member of the Service until he has been on such probation.

Provided that in the case of a person who was on duty as special officer of a panchayat on the date of his appointment as executive officer, he shall be entitled to count the continuous period of his duty as special officer towards his probation :

Provided also that in the case of an executive officer appointed as special officer of a panchayat, not notified under section 21 (1) of the Madras Local Boards Act, 1920, for appointment of an executive officer, he shall be entitled to count the period of his duty as special officer towards his probation :

Provided further that the Inspector may direct that any such person shall be on probation for such further total period not exceeding one year on duty as he may think fit ; and the prescribed

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period of probation shall, in the case of such a person, be deemed to have been extended accordingly for all the purposes of these regulations.

(b) At any time before the expiry of the prescribed or extended period of probation, the Inspector may, at his discretion, terminate the probation of a probationer without assigning any reasons and discharge him from the Service.

(c) If at the end of the prescribed or extended period of probation, the Inspector considers the probationer to be suitable for full membership of the Service, he shall as soon as possible issue an order declaring the probationer to have satisfactorily completed this period of probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed or extended period of probation.

(d) If at the end of the prescribed or extended period of probation the Inspector does not consider the probationer suitable for full membership of the Service, he shall by order discharge him from the Service.

(e) Nothing contained in clause (d) shall be deemed to preclude the Government from revising in such manner as they deem fit any order issued by the Inspector under that clause.

9. *Discharge or reversion for want of vacancies.*—(a) The order in which probationers and approved probationers shall be discharged or reverted for want of vacancies shall be—

(i) first, the probationers in order of juniority from the unit concerned; and second, the approved probationers in order of juniority from the unit concerned:

Provided that the above order may be departed from in that unit for special reasons or in cases where such order would involve administrative inconvenience.

(ii) Approved probationers and probationers who have been reverted or discharged for want of vacancies shall be reappointed in that unit as vacancies arise in the inverse of the order laid down in sub-clause (i):

Provided that the order laid down in this sub-clause may be departed from with the consent, express or implied, of the person or persons having a preferential right to appointment under this sub-clause:

Provided further that the said order may also be departed from for special reasons or in cases where such order would involve administrative inconvenience.

(b) The order of reappointment laid down in sub-clause (ii) of clause (a) shall not apply to appointments under regulation 4.

(c) For the purposes of this regulations, seniority as between probationers and as between approved probationers shall be determined in accordance with regulation 12.

10. *Pay.*—(1) There shall be paid to a probationer such pay as may be fixed by the Inspector from time to time.

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(2) There shall be paid to an approved probationer or a full member of the Service—

(a) in the first grade, a pay calculated at the rate of Rs. 80 a month rising by biennial increments of Rs. 5 each to a maximum of Rs. 100;

(b) in the second grade, a pay calculated at the rate of Rs. 65 a month rising by biennial increments of Rs. 3 each to a maximum of Rs. 80; and

(c) in the third grade, a pay calculated at the rate of Rs. 50 a month rising by biennial increments of Rs. 3 each to a maximum of Rs. 65.

(3) There shall be paid to a person appointed under regulation 4—

(a) if he held a post substantively under Government, municipal council or local board prior to his appointment as executive officer, a pay calculated at the rate of Rs. 50 a month in the third grade scale of Rs. 50—3/2—65 or the pay admissible to him in the post held by him under Government, municipal council or local board, whichever is higher;

(b) if he held a post under Government, municipal council or local board only in a temporary or officiating capacity prior to his appointment as executive officer, a pay calculated at the rate of Rs. 50 a month in the third grade scale of Rs. 50—3/2—65 or the pay drawn by him in the officiating or temporary post under Government, municipal council or local board on the date of his appointment as executive officer, whichever is higher :

Provided that the grant of a pay to a person calculated on the pay drawn by him under Government, municipal council or local board on the date of his appointment as executive officer shall be permissible only till such time as he would have continued to hold the officiating or temporary post and drawn that rate of pay in that post but for his appointment as executive officer.

11. *Appointment of full members.*—An approved probationer shall, if a substantive vacancy in the permanent cadre of the Service exists, be appointed by the Government to be a full member of the Service at the earliest possible opportunity; and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the Service :

Provided that where more than one approved probationer is available for such appointment as full member, the seniormost approved probationer shall be appointed.

12. *Seniority in the Service.*—(a) The seniority of a member of the Service shall be determined with reference to the seniority fixed at the time of selection. In respect of persons recruited prior to the issue of these regulations, the seniority shall be in accordance with the order in which their names are arranged in a list maintained by the Inspector :

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Provided that the Government shall have power for good and sufficient reasons, to transfer a person from one grade to another or to refix the seniority of a person within a grade;

(b) A member of the Service shall, unless he is reduced in seniority under the provisions of these regulations, retain seniority in the Service as determined at the time of selection, throughout his service, notwithstanding any delay in the completion of his probation or his appointment as a full member of the Service.

13. *Promotion.*—Promotions shall ordinarily be within a unit provided that this rule shall not apply to promotions to the first grade. Promotions shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal:

Provided that a pass in Part I of the Account Test prescribed for Subordinate Officers in Government service shall be a necessary qualification for promotion to the second or the first grade.

14. *Transfers and postings.*—Executive officers in the second and third grades shall be liable to transfer to any of the districts in the unit to which they belong, while those in the first grade shall be liable to transfer to any of the districts in the Province of Madras. Postings and transfers shall be made by the Government on the recommendation of the Inspector if it is a first appointment to a panchayat and by the Inspector in other cases.

14-A. *Advance of pay and travelling allowance.*—A member of the Service shall on transfer be eligible for the payment of an advance of one month's pay and travelling allowance at the rate admissible to him under the Madras Travelling Allowance Rules. Such advance shall be drawn by the member of the Service from the funds of the panchayat from which he is transferred. It shall be recorded on his last pay certificate. The advance of pay shall be recovered from his pay in three equal monthly instalments beginning with the month in which a full month's pay is drawn after the transfer. The advance of travelling allowance shall be recovered in full on the submission of his travelling allowance bill. The amounts so recovered shall be remitted to the panchayat which originally paid the advance.

15. *Discipline and conduct.*—In matters affecting discipline and conduct, the members of the Service shall be under the immediate supervision of the Inspector subject to the control of the Government. Such of the members of the Service as are Government servants shall be governed by the Government Servants' Conduct Rules and others by the rules regulating the personal conduct of officers and servants of local boards subject to the condition that in cases where the sanction of the executive authority is necessary under those rules, the sanction of the Inspector shall be obtained.

16. *Penalties.*—(1) The following penalties may, for good and sufficient reason, be imposed upon members of the Service:—

(i) Censure.

(ii) Withholding of increment or promotion.

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(iii) Reduction to a lower rank in the seniority list or to a lower time-scale other than that mentioned in regulation 12 or to a lower stage in the time-scale.

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to the panchayat or Government by negligence or breach of orders.

(v) Removal from service.

(vi) Dismissal from service.

Explanation.—The discharge of a person appointed on probation during the period of probation does not amount to removal or dismissal within the meaning of this regulation.

The penalties referred to in items (i) to (iv) may be imposed by the Inspector and those referred to in items (v) and (vi) by the Government.

(2) In every case where it is proposed to impose on a member of the Service any of the penalties mentioned in items (i), (ii) and (iv) of clause (1), he shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(3) (i) In every case where it is proposed to impose on a member of the Service any of the penalties mentioned in items (iii), (v) and (vi) of clause (1), the grounds on which it is proposed to take action shall, except where such action is proposed to be taken on facts which have led to his conviction in a criminal court or by a military court martial, be reduced to the form of a definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires an oral inquiry or only to be heard in person. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority concerned. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. After the inquiry has been completed, the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If no oral inquiry is held and if he had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain sufficient record of the evidence and a statement of the findings and the grounds thereof.

(ii) After the inquiry referred to in sub-clause (i) has been completed and after the authority competent to impose the penalty has arrived at provisional conclusions in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the inquiring authority and be called upon to show

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cause; within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

(4) The requirements of clauses (2) and (3) shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the said clauses may, in exceptional cases, for special and sufficient reasons to be recorded in writing be waived, where there is a difficulty in observing exactly the requirements of the clauses and those requirements can be waived without injustice to the person charged.

(5) A member of the Service may be placed under suspension from service pending inquiry into grave charges where such suspension is necessary in the public interest.

17. *Appeals*.—(a) A member of the Service shall be entitled to appeal to the Government from an order of the Inspector imposing any of the penalties specified in items (i) to (iv) of clause (1) of regulation 16.

(b) Every person preferring an appeal shall do so separately and in his own name. Every appeal preferred under clause (a) shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted to the Government through the Inspector.

(c) No appeal will be considered by the Government if it was not preferred within two months after the date on which a copy of the order appealed against was communicated to the appellant and no reasonable cause is shown for the delay.

Explanation.—Where the person concerned has absconded or where it is for any other reason impracticable to communicate with him, the period of two months referred to in this regulation shall be counted from the date of the order appealed against.

(d) An appeal may be withheld by the Inspector, if—

(i) it does not comply with the requirements of clause (b),
or

(ii) it is a repetition of a previous appeal made to the Government and decided by them and no new facts or circumstances are adduced which afford grounds for a re-consideration of the case :

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it :

Provided further that an appeal withheld on account only of failure to comply with the provisions of clause (b) may be re-submitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and if re-submitted in a form which complies with those provisions, shall not be withheld.

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(e) Every appeal which is not withheld under clause (d) shall be forwarded to the Government by the Inspector with his remarks or expression of opinion.

(f) A list of appeals withheld under clause (d) with the reasons for withholding them shall be forwarded half-yearly by the Inspector to the Government.

(g) The Government may call for any appeal admissible under these regulations which has been withheld by the Inspector and may pass such orders thereon as they consider fit.

(h) There shall be no appeal against the withholding of an appeal by the Inspector.

(i) An order imposing a penalty by the Inspector under regulation 16 may be reversed or altered by the Government even in cases in which no appeal is preferred.

18. *Reversion*.—The Government may for any sufficient cause at any time revert a member of the Service to his permanent post, if any, after giving him a reasonable opportunity to show cause against such reversion.

19. *Saving*.—Nothing contained in these regulations shall be construed to limit or abridge the power of the Government to deal with the case of a member of the Service, in such manner as they appear to them just and equitable :

Provided that, where any of these regulations is applicable to the case of a member of the Service, the case shall not be dealt with in any manner less favourable to him than that provided by that regulation.

NOTE.—Nothing contained in these regulations shall affect the operation of the orders in G.O. No. 1390, L.A., dated the 26th June 1945, relating to the maintenance of a list of temporary executive officers, the removal of their names from the list, etc.

20. *Application of certain provisions to persons appointed temporarily*.—References in regulations 15 to 18 to members of the Service include references to persons temporarily appointed to the Service under regulation 4 :

Provided that in the case of such persons, it shall not be necessary to follow the procedure prescribed in sub-clause (ii) of clause (3) of regulation 16 before imposing on any such person any of the penalties mentioned in items (iii), (v) and (vi) of clause (1) of regulation 16.

ANNEXURE I.

Units.

[Referred to in clause (8) of regulation 1.]

Tamil cum Malayalam unit.—(1) North Arcot, (2) South Arcot, (3) Chingleput, (4) Coimbatore, (5) Madura, (6) Malabar, (7) Nilgiris, (8) Ramnad, (9) Salem, (10) Tanjore, (11) Tinnevely and (12) Trichinopoly.

Telugu cum Kannada unit.—(1) Anantapur, (2) Bellary, (3) Chittoor, (4) Cuddapah, (5) East Godavari, (6) West Godavari, (7) Guntur, (8) South Kanara, (9) Kistna, (10) Kurnool, (11) Nellore and (12) Vizagapatam.

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ANNEXURE II. *Scheduled Castes.*

[Referred to in clause (13) of regulation 1.]

Race, tribe or caste.

(1) Adi-Andhra, (2) Adi-Dravida, (3) Adi-Karnataka, (4) Adila, (5) Aranadan (also *P.T.), (6) Arunthuthiyar, (7) Baira, (8) Bakuda, (9) Bandi, (10) Bariki, (11) Battada, (12) Bavuri, (13) Bellara, (14) Byagari, (15) Chachati, (16) Chakkiliyan, (17) Chalavadi, (18) Chamar, (19) Chandala, (20) Cheruman, (21) Dandasi, (22) Devandrakulathan, (23) Dombo (also *P.T.), (24) Ghasi, (25) Godagali, (26) Godari, (27) Godda, (28) Gosangi, (29) Haddi, (30) Hasla, (31) Holey, (32) Jaggali, (33) Jambuvulu, (34) Kadan (also *P.T.), (35) Kalladi, (36) Katakkan, (37) Karimpalan (also *P.T.), (38) Kattunayakan (also *P.T.), (39) Kodalo, (40) Koosa, (41) Koraga, (42) Kudiya (also *P.T.), (43) Kudubi (also *P.T.), (44) Kudumban, (45) Kuravan, (46) Kurichchan (also *P.T.), (47) Kurman (also *P.T.), (48) Madari, (49) Madiga, (50) Maila, (51) Mala, (52) Mala Dasu, (53) Malasar (also *P.T.), (54) Matangi, (55) Mavilan, (also *P.T.), (56) Moger, (57) Muchi, (58) Mundala, (59) Nalakayava, (60) Nayadi, (61) Pagadai, (62) Paidi, (63) Painda, (64) Paky, (65) Pallan, (66) Pambada, (67) Pamidi, (68) Panchama, (69) Paniyan, (70) Panniyandi, (71) Pano (also *P.T.), (72) Paraiyan, (73) Paravan, (74) Pulayan, (75) Puthirai Vannan, (76) Raneyar, (77) Relli, (78) Samagara, (79) Samban, (80) Sapari, (81) Semman, (82) Thoti, (83) Tiruvalluva, (84) Valluvan, (85) Valmiki and (86) Vettuvan.

* P.T. = Primitive Tribe.

ANNEXURE III.

[Referred to in clause (a) of regulation 6.]

Indian Universities.—The Universities of Allahabad, Bombay, Calcutta, Dacca, Delhi, Lucknow, Madras, Nagpur, Patna, the Punjab and Rangoon; The Aligarh Muslim University; The Andhra University; The Annamalai University; The Benares Hindu University; The Mysore University; The Osmania University.

British and Welsh Universities.—The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Sheffield and Wales.

Scottish Universities.—The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

Irish Universities.—The University of Dublin (Trinity College) and the Queen's University of Belfast.

APPENDIX III.

Vide answer to unstarred question No. 2 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 10th September 1946, page 325 supra.]

Serial number and name of department.	Number of post-war schemes already accepted.	Of which number of post-war schemes in operation.	Number of post-war schemes under consideration.
(1)	(2)	(3)	(4)
1 Public Department	4	One item under one of the four main schemes.	Of the four main schemes one is being re-examined.
2 Development Department ..	32	32	54
3 Education and Public Health Department.	27	27	23
4 Public Works Department ..	* 32	10 (plus certain items of work relating to one of the schemes).	16
5 Home Department	Nil.	Nil.	1

* Includes 199 road works and 147 works relating to bridges.

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APPENDIX IV.

[Vide answer to unstarred question No. 7 asked by Sri P. Virabhadraswami at the meeting of the Legislative Council held on 10th September 1946, page 327 supra.]

Press Communique No. 21 of the Government of Madras, Home Department, dated 4th September 1945.

Some months ago Government accepted a recommendation of the Post-War Reconstruction Committee in favour of the State ownership of public passenger motor transport. This decision has caused considerable speculation among those engaged in the motor transport and allied businesses who wonder how their interests and prospects are affected. The following statement is intended to clarify the position.

Government adhere to their decision in favour of State ownership as the ultimate aim of their policy. At the same time many factors, such as the shortage of vehicles and trained personnel and the possibility of an elected Government which will have a right to make their own decision in a matter of such fundamental importance make it impossible to take any far-reaching steps towards the ultimate objective at this juncture. The immediate objectives of Government are the improvement of the services offered to the public and their co-ordination with other means of transport, particularly the railways.

As regards the first, under G.O. No. 1467, Home, dated 7th May 1945, small bus operators will amalgamate into concerns of such a size that they can afford to maintain proper facilities for maintenance and repair of their vehicles. The small bus owner who had no facilities for looking after his bus properly, or could not afford to do so or to maintain "Reserve" buses has long been an obstacle to the improvement of bus services, and for a considerable time the Government have been placing before him the advantages of, and need for, amalgamation. The unwillingness of the Government of India to release to such small concerns 'controlled' vehicles, which are in short supply and have to be put to the best use, made necessary more active methods than persuasion. The effect of this G.O. is that hereafter permits for new routes or for new services on existing routes will be granted only to operating concerns owning at least twenty buses and having facilities for their repair maintenance and that the permits of small owners will not be renewed after 31st December 1945 unless they have become part of such a concern. Provision is made for the Provincial Motor Transport Controller to act as arbitrator in case of dispute over the terms of amalgamation.

A well-organized road transport system is of a paramount interest to the Provincial Government and the co-ordination of road and mail passenger services is of not less interest to the Central Government of which the railways are now a department. The Central Government propose to prevent wasteful competition between road and rail

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services by forming with existing operators joint road rail companies to run bus services on roads which are parallel to or act as a " feeder " to a railway. The Government of Madras have agreed to the promotion of such companies and will be a partner in them formally taking a share equal to that of the Central Government. Existing operators will not be subject to any pressure to join such companies or to discrimination if they refuse but it is hoped that the manifest advantages will be sufficient persuasion. Such a company would be protected from competition, to the extent that if all the present road operators joined it and so it held a de facto monopoly. New permits would not be given to any new operator on the route in question. On routes operated by both a joint road rail company and private operators Government would normally offer any additional permits to the road rail company.



